
Condemnation & eminent domain

HB 1800 Condemnation cases; jury selection.

Amends §§ 8.01-187, 8.01-345, 8.01-346, and 25.1-229 to provide that jury selection in condemnation cases shall conform to the procedures established in Chapter 11 (§ 8.01-336 et seq.) of Title 8.01 and makes conforming changes to § 25.1-229. Five persons from a panel of not fewer than 13 jurors shall constitute a condemnation jury. This bill also provides that jury commissioners shall determine the freeholder status of all qualified jurors. This bill is identical to SB 1068. *Patron:* Cosgrove

HB 2954 Eminent domain; definition of public uses and limitations thereon.

Amends, adds and repeals §§ in Title 15.2 and amends § 25.1-108 to define the term "public uses" as embracing only the acquisition of property where (i) the land is taken for the possession, occupation and enjoyment by the public or a public corporation; (ii) the land is taken for construction, maintenance and operation of public facilities by public corporations or by private entities provided that there is a written agreement with a public corporation providing for the use of the facility by the public; (iii) the land is taken for the creation or functioning of a public service corporation, public service company, or railroad; (iv) the land is taken for the provision of utility services by a government utility corporation; (v) the land taken is blighted and is taken for the elimination of blight; or (vi) the property is taken in a redevelopment or conservation area that is abandoned or the acquisition is needed to clear title where one of the owners agrees to such acquisition or the acquisition is by agreement of all the owners. The bill also states that property can only be taken when the public interest dominates the private gain and the primary purpose is not private financial gain, private benefit, an increase in tax base or revenues, or an increase in employment, except if the property is taken for the creation or functioning of a public service corporation, public service company, or railroad, or for the provision of authorized utility services by a government utility corporation. The bill defines the terms "blighted property," "government utility

corporation," "public corporation," and "public facilities." The bill also provides that a property owner may challenge that a taking is a pretext for an unauthorized use. A former property owner, or his successors, may also request to repurchase the taken property upon the completion or abandonment of the stated public use. The bill does not apply to the forfeiture of property in connection with criminal act or real property that is subject to a certificate of take or deposit recorded prior to July 1, 2007. The bill also does not affect the ability of a redevelopment and housing authority to acquire property under a plan adopted prior to January 1, 2007, until July 1, 2010. The bill also does not prohibit the Norfolk Redevelopment and Housing Authority or the City of Norfolk from acquiring property through the use of eminent domain for the location of a recreational facility, to be owned or operated by a nonprofit entity, that will be open to the public, provided that such acquisitions are instituted prior to July 1, 2010. This bill is identical to SB 781 and SB 1296. *Patron:* Bell

SB 781 Eminent domain; definition of public uses and limitations thereon.

See summary for HB 2954. This bill is identical to HB 2954 and SB 1296. *Patron:* Cuccinelli

SB 1068 Condemnation cases; jury selection.

See summary for HB 1800, which is identical. *Patron:* McDougale

SB 1296 Eminent domain; definition of public uses and limitations thereon.

See summary for HB 2954. This bill is identical to HB 2954 and SB 781. *Patron:* Norment

Education

HB 1729 School buses; maximum speed limit.

Amends § 46.2-871 to increase the maximum speed limit to 60 miles per hour for school buses traveling on interstates and highways where the speed limit is greater than 55 miles per hour. *Patron:* Lohr

HB 1862 Severance benefits; public announcement thereof for certain officials appointed by school board.

Amends § 15.2-1510.1 to require that any severance benefits provided to any departing school board official be publicly announced by school board prior to departure. *Patron:* Wittman

HB 2216 Driver education programs; school boards that offer to assess surcharge to recover program costs.

Amends § 22.1-205 to provide that the Board of Education may authorize a local school board to assess a surcharge in order to further recover program costs that exceed state funds distributed through basic aid to school divisions offering driver education programs. *Patron:* Amundson

HB 2302 Nonpublic schools; school boards may enter into agreements therewith for transportation services.

Adds § 22.1-176.1 to permit local school boards to enter into agreements with nonpublic schools in the school division to provide student transportation for a fee to and from the nonpublic schools. *Patron:* Cole

HB 2311 Public Charter School Fund; created.

Adds § 22.1-212.5:1 to establish the Public Charter School Fund for the purposes of establishing or supporting public charter schools in the Commonwealth. The Board of Education must establish criteria for making distributions from the Fund to a public charter school requesting moneys from the Fund. *Patron:* Lingamfelter

HB 2350 Literary Fund; school board's application for loan must be signed by mayor, etc.

Amends and repeals §§ in Title 22.1 to provide that a school board's application to the Board of Education for a loan from the Literary Fund must be authorized by the governing body and the school board. The Board may not disburse any proceeds of any approved loan before its receipt of the concurrent approval of the governing body at the time of initial disbursement and an acceptable opinion of bond counsel obtained by the local governing body as to the validity of the

loan. The bill also repeals §§ 22.1-154 through 22.1-157, that provide for: (i) the examination of title to property on application for loan, (ii) the certificate of the clerk of court or copy of lease on the application for a loan, and (iii) the submission of the application and certificate of title to the Attorney General. *Patron:* Tata

HB 2370 Health insurance credits; increased for retired teachers.

Amends § 51.1-1401 This bill increases the monthly health insurance credit for retired teachers from \$2.50 to \$4 for each full year of the retired member's creditable service. The bill eliminates the overall cap to the credit. Localities will no longer have the option of providing an additional \$1 health insurance credit to retired teachers and the maximum credit that a teacher could receive is \$4. This bill is identical to SB 1218. *Patron:* Tata

HB 2371 Joint school; management of funds therefor, selection of fiscal agent.

Amends §§ 22.1-26 and 22.1-118 to authorize the participating school boards of a joint school, including academic year Governor's Schools operated by two or more school divisions, to select the fiscal agent for the joint school from among the treasurers of the participating localities. The participating school boards must agree and the respective local governing bodies must approve any such selection. This bill contains an emergency clause. *Patron:* Tata

HB 2542 No Child Left Behind Act; Board of Education requesting waiver from certain provisions.

An Act to require the Board of Education to seek waivers from provisions in NCLB that are "fiscally and programmatically burdensome and not in the best interest of children." The bills also require the board to report on the status of waivers, including a report to the Virginia congressional delegation. The state legislature hopes that Virginia's concerns will be reflected in the reauthorization of the federal education bill. If not, the bill instructs the board to make a recommendation on withdrawing from participation in NCLB. Finally, the bill also allows the state to bring suit against the U.S.

Department of Education if federal money is inappropriately withheld as a result of the withdrawal. This bill is identical to SB 1212.
Patron: Landes

HB 2631 Student records; limitations on access thereto.

Amends § 22.1-287 to provide that school personnel are authorized to disclose identifying information from a student's education records for the purpose of furthering the ability of the juvenile justice system to effectively serve the student prior to adjudication. Identifying information may be disclosed to attorneys for the Commonwealth, court services units, juvenile detention centers or group homes, mental and medical health agencies, state and local children and family service agencies, and the Department of Juvenile Justice and to the staff of such agencies. *Patron:* Reid

SB 1212 No Child Left Behind Act; Board of Education requesting waiver from certain provisions.

See summary for HB 2542, which is identical.
Patron: Hanger

SB 1218 Health insurance credits; increased for retired teachers.

See summary for HB 2370, which is identical.
Patron: Hanger

HJ 729 Virginia Preschool Initiative; JLARC to study.

Directs the Joint Legislative Audit and Review Commission to study the Virginia Preschool Initiative. JLARC shall (i) review the statutory authorization for the Virginia Preschool Initiative and funding; (ii) determine the costs of the program to the state and localities since its inception; (iii) assess implementation and effectiveness of the current program; (iv) evaluate the continued K-12 academic performance of students who participated in the program; (v) assess the program's accountability measures; (vi) study the concept of the Universal Preschool or Pre-K; (vii) evaluate the additional costs of preschool rating systems; and (viii) determine whether research has been conducted concerning the efficacy of preschool programs for children of

middle- and upper-income parents. Report to be submitted to 2008 Session. *Patron:* Cox

SJ 329 High school dropout and graduation rates; Board of Education to study.

Requests the Board of Education to study high school dropout and graduation rates in the Commonwealth with an end goal of recommending policy, statutory, fiscal, or regulatory changes to increase the high school graduation rates, particularly among student populations with high dropout rates. Report due to the 2008 Session. *Patron:* Locke

Elections

HB 1642 Voter registration records; clarifies duties of local electoral boards, general registrars, etc.

Amends §§ in Title 24.2 to clarify the duties of local electoral boards, general registrars, and the State Board of Elections regarding voter registration records and exceptions from public inspection. Requires the State Board to provide general registrars with lists of registered voters and persons denied registration for public inspection. *Patron:* Alexander

HB 1835 Registered voter; unlawful to knowingly communicate false information thereto.

Adds § 24.2-1005.1 to make it a Class 1 misdemeanor to knowingly communicate false information to a registered voter about the date, time, and place of the election or the voter's precinct, polling place, or voter registration status in order to impede his voting. *Patron:* Amundson

HB 2101 Elections; statewide bond referendum to include fiscal impact statement for voters.

Amends § 30-19.10 to require legislation authorizing statewide bond referendum to include information about the referendum for distribution to voters, including a neutral explanation about the proposed ballot question, or a fiscal impact statement for any bond referendum, presented in plain English. The fiscal impact statement must include descriptions of the need for and

anticipated uses of the bond proceeds. *Patron:* Orrock

HB 2386 Campaign finance disclosure; filings of local candidate reports.

Amends §§ in Title 24.2 to require the State Board of Elections to develop and implement a centralized system to accept reports from local office candidates by July 1, 2007. Local office candidates who file electronically with the State Board will not be required to file locally, and the State Board shall make the filings available promptly to the local electoral board. The bill takes effect only if adequate funding or programming is available to implement the centralized system for accepting the local reports. This bill is identical to SB 1015. *Patron:* May

HB 2707 Electronic voting equipment; requirements and recount procedures.

Amends and adds §§ in Title 24.2 to prohibit future purchases of direct recording electronic (DRE) devices; and provides for the phase out of DRE devices as the devices now in operation wear out. Prohibits any form of wireless communication to or from voting or counting devices while polls are open on election day. Requires localities to provide accessible equipment for disabled voters. The bill is identical to SB 840. *Patron:* Hugo

SB 840 Electronic voting equipment; requirements and recount procedures.

See summary for HB 2707, which is identical. *Patron:* Devolites Davis

SB 1226 Electronic voting equipment; requires electoral boards to develop plans to ensure security thereof.

Amends §§ 24.2-625.1 and 24.2-629 to require local electoral boards to develop plans and procedures to ensure the security of electronic voting systems. Requires the general registrar and State Board of Elections to provide assistance in the development of these plans, upon request. The bill also requires vendors of electronic voting systems to provide written best practices about the secure use of the systems when applying for certification in the Commonwealth and to

annually update these practices once certified. *Patron:* Howell

SB 1015 Campaign finance disclosure; filings of candidate reports.

See summary for HB 2386, which is identical. *Patron:* Norment

Environmental

HB 1689 Municipal solid waste; regulation thereof.

Amends and repeals §§ in Title 10.1 to repeal two provisions of the solid waste laws enacted in 1999 that were subsequently found to be unconstitutional by the federal court. The bill repeals the authority of the Solid Waste Management Board to develop regulations governing the commercial transport of non-hazardous municipal solid waste by truck. This section was declared unconstitutional because it imposed certain requirements on large trucks carrying solid waste that violated the commerce clause. The federal court found that the statute placed "disproportionate burdens" on trucks carrying waste from outside of Virginia. The second provision found to be unconstitutional under the commerce clause was the 2,000 tons per day cap placed on landfills for accepting municipal solid waste. *Patron:* Landes

HB 1710 Treatment works; reimbursement to localities of funds for upgrades.

Adds § 10.1-1186.01 to provide funding of up to \$250 million through the Water Quality Improvement Fund for grants for nutrient removal at specified publicly owned treatment works and non-significant dischargers to implement Chesapeake Bay Tributary Strategies. Each year the General Assembly will determine if there is enough cash available for grants; if not, the bill authorizes the issuance of bonds. The new Bay bonds would not be issued before July 1, 2008. The bill also added requirements for WQIF grants: 1) DEQ will develop policies and guidelines to ensure proper cost control measures by grant recipients; 2) the director of DEQ will not be required to approve a grant if it would be more cost-effective to use nutrient credits, as allowed through the Chesapeake Bay Watershed

Nutrient Exchange Program; 3) reimbursements to wastewater treatment plants will be made in four phases upon certification that 25 percent, 50 percent, 75 percent and 100 percent of the local share of project costs is spent. The WQIF is currently capitalized through a ten percent set-aside of state surplus monies at the end of each fiscal year. This bill is identical to SB 771.

Patron: Callahan

HB 1715 Garbage; increases fine for dumping into state waters.

Amends § 62.1-194 to increase the fine for dumping garbage into the waters of the state from a maximum of \$100 to \$1,000. *Patron:* Kilgore

HB 1758 Obstructing or contaminating state waters; increases penalty.

Amends § 62.1-194.1 to increase the penalty for obstructing or contaminating state waters to a Class 1 misdemeanor. Currently, the penalty is a fine of not less than \$100 or more than \$500 or confinement in jail for not more than 12 months, or both. *Patron:* Kilgore

HB 1847 Waste load allocations for Chesapeake Bay watershed program.

Amends § 62.1-44.19:15 to allow the State Water Control Board to grant waste load allocations for the Chesapeake Bay watershed nutrient credit exchange program to facilities operating under a Virginia Pollution Abatement permit under limited conditions. *Patron:* Saxman

HB 1859 Water quality monitors; DEQ to encourage.

Amends § 62.1-44.19:11 to establish as a goal of the Department of Environmental Quality having citizen volunteers monitor 3,000 stream miles by 2010. *Patron:* Wittman

HB 1949 Onsite Sewage Indemnification Fund; indemnification claim time.

Amends § 32.1-164.1:01 to require that the Commissioner shall, at the end of each fiscal year, certify that no expenses were paid from the Fund to support the program for training and recognition of authorized onsite soil evaluators in lieu of payment to any owner or owners qualified

to receive payment from the Fund. *Patron:* Morgan

HB 2102 Wells, private; prohibits construction thereof within 50 feet of certain property line.

Adds § 32.1-176.5:2 to prohibit the construction of private wells within 50 feet of the property line adjacent to agricultural property unless the owner of the adjacent property grants written permission for construction within 50 feet of the property line or the owner of the property provides certification that no other site on the property complies with the Board's regulations for the construction of a private well. Requires the Department of Health to accept private site evaluations and designs by a licensed professional engineer in consultation with an authorized onsite soil evaluator or by an authorized onsite soil evaluator. Requires the Department to obtain written affirmation from the applicant that a well construction site is in compliance with the provisions of this bill before issuing a permit. *Patron:* Orrock

HB 2180 Stormwater inspectors; removes certification required by Department of Environmental Quality.

Amends § 62.1-44.15 to remove the certification of stormwater inspectors required by the Department of Environmental Quality. This requirement is no longer needed because much of the stormwater program has been transferred to the Department of Conservation and Recreation. *Patron:* Saxman

HB 2229 Impaired Waters Clean-up Plan Report.

Amends §§ in Title 10.1 and § 2.2-220 and 62.1-44.118 to consolidate the Tributary Strategy Implementation Report, the Watershed Planning and Permitting Report, and the Water Quality Improvement Fund Annual Report into the Impaired Waters Clean-up Plan Report. *Patron:* Lewis

HB 2366 Water systems; Board of Health to implement chronically noncompliant systems.

Amends §§ 15.2-2146 and amends and adds §§ in Title 32.1 to authorize localities to acquire chronically noncompliant waterworks, a term defined by bill. Requires the Board of Health to

promulgate regulations for the implementation of a program to (i) identify such water systems and (ii) create mechanisms or enforcement options for eliminating underperforming systems. This bill is identical to SB 998. *Patron:* Scott, E.T.

HB 2431 Reversion of federal lands; lands in NoVa with environmental contamination.

An Act to authorize the Commonwealth to take title to federal lands located within the Northern Virginia Planning District that contain environmental contamination if the United States enters into a written agreement with the Commonwealth, in a form to be approved by the Attorney General, to indemnify the Commonwealth for associated liabilities and clean-up costs or otherwise provides satisfactory assurances that all corrective action necessary to protect human health and the environment will be taken at the sole expense of the United States. The bill further provides that in addition, such transfer or reversion shall not occur unless and until the United States has agreed, and provides assurances satisfactory to the Commonwealth, to provide all transportation infrastructure improvements required to accommodate the development of any property contiguous or adjacent to the property subject to the transfer or reversion. *Patron:* Albo

HB 2483 Water quality monitoring; establishes deadline for public to submit its recommendations.

Amends § 62.1-44.19:5 to establish April 30 of each year as the deadline for the public to submit its recommendations of which specific water segments should be included in the State Water Control Board's water quality monitoring plan. The Board is to respond to the recommendations by August 31. Currently, the Board has until April 30 to respond to citizen recommendations that have been submitted by December 31 of the preceding year. *Patron:* Bulova

HB 2487 Low-flow protections; authorizing withdrawal of water from Potomac River.

Adds § 62.1-44.15:5.02 to require any Virginia Water Protection Permit issued after July 1, 2007, authorizing the withdrawal of water from the Potomac River and its tributaries for any purpose

other than municipal water supply, to incorporate low-flow protections if the withdrawal exceeds 500,000 gallons per day. As a condition of permit, the permittee will be required to augment instream flow during low-flow periods by having available offstream storage equal to the amount of water that is consumed in excess of 500,000 gallons per day. The bill provides several ways for a permittee to comply with this requirement.

Patron: Bulova

HB 2539 Water Resources and Wetlands Protection Program.

Amends, adds and repeals §§ in Title 62.1 and amends § 10.1-1408.5 to restructure the Virginia Water Protection Permit statute by placing the provisions into a separate article of the State Water Control Law titled "Water Resources and Wetlands Protection Program." The provisions are currently included as a section under the general powers of the Water Control Board. Existing permits are exempted from any changes and shall remain in effect until their specified expiration dates or until they are otherwise amended, modified, repealed, or revoked. *Patron:* Landes

HB 2568 Erosion and sediment control; violation of ordinances.

Amends § 10.1-562 to allow localities to adopt an ordinance that assesses a civil penalty between \$100 and \$1,000 for violation of erosion and sediment control laws. The bill also increases the cap on civil penalties from \$3,000 to \$10,000. This bill is identical to SB 821. *Patron:* Shannon

HB 2691 Environmental Health Education and Training Fund; created.

Amends and adds §§ in Title 32.1 to establish the Environmental Health Education and Training Fund to support, train, educate, and recognize public- and private-sector individuals in all areas of environmental health. This bill directs the Board of Health to establish a schedule of civil penalties for violations of regulations governing onsite sewage systems, which shall be credited to the Fund. It also establishes a re-inspection fee of \$250 for noncompliant onsite sewage systems, which fee shall be credited to the Fund. *Patron:* Suit

HB 2692 Onsite Sewage Indemnification Fund; limitations.

Amends § 32.1-164.1:01 to limit the amount that owners of permitted onsite sewage systems can receive from the fund for the cost of replacing the system or the costs of labor and equipment required to repair the system. The amount owners can receive from the fund shall not exceed more than \$30,000. This bill also specifies the procedure for filing a claim and requires all claims to be filed within one year of the date the system or components thereof failed. *Patron:* Suit

HB 2710 Dams and related facilities; service districts to construct, maintain, and operate.

Amends § 15.2-2403 to grant the power to construct, maintain, and operate dams. *Patron:* Barlow

HB 2729 FEMA Special Flood Hazard Area map; notification of changes.

Adds § 15.2-976 relating to notification of changes to the Federal Emergency Management Agency Special Flood Hazard Area map. When FEMA notifies a locality of an update of the floodplain map for property within the locality, the locality shall provide property owners written notice of such change (may use bulk mail or include with other mailing) with contact information for the National Flood Insurance Program. *Patron:* Englin

HB 2802 Land application of biosolids; consolidated to be under Department of Environmental Quality.

Amend and adds §§ in Title 62.1 and repeals §§ 32.1-164.2 through 32.1-164.7 to consolidate the program that regulates the application of biosolids (sewage sludge) under one agency, the Department of Environmental Quality (DEQ). Currently, the responsibility for regulation of the land application of biosolids is split between DEQ and the Department of Health. The bill also requires DEQ to conduct unannounced site inspections while biosolids are being applied. A fee of \$7.50 is assessed on each dry ton of sewage sludge applied in the Commonwealth. The bill becomes effective on January 1, 2008, provided that adequate funds have been appropriated and

adequate positions have been authorized to administer the program. This bill is identical to SB 1339. *Patron:* Byron

HB 3089 Biofuels Incentive Grant Program; lowers eligibility requirement.

Amends § 45.1-394 to lower the eligibility requirement of the volume of biofuels produced and sold from 10 million gallons to two million gallons per calendar year for a producer to be eligible for a grant. The bill also amends the definition of producer to include any agricultural cooperative association, as defined in the Agricultural Cooperative Association Act (§ 13.1-312 et seq.). *Patrons:* Nutter

HB 3113 Environmental Quality, Department of; consolidation of various boards.

Amends §§ in Titles 2.2, 3.1, 8.01, 10.1, 15.2, 21, 28.2, 29.1, 32.1, 36, 44, 45.1, 46.2, 54.1, 55, 56, 58.1, 62.1, and 67; adds and repeals §§ in Title 10.1 and 62.1 to consolidate the State Air Pollution Control Board, the State Water Control Board, and the Waste Management Board into one eleven-member citizen board--the Virginia Board of Environmental Quality--with the authority to adopt regulations, including general permit regulations. All other responsibilities of the existing boards, including the authority to issue licenses and permits, shall be transferred to the Department of Environmental Quality. The Department will hold public meetings for the presentation of staff recommendations on major permitting decisions. A citizen appeals board is established and granted the authority to hear appeals on decisions of the Director of the Department of Environmental Quality and to recommend reconsideration by the Director. The bill includes a "re-enactment clause" that requires the General Assembly of 2008 to reaffirm the legislation and delays the effective date until July 1, 2008. This bill is identical to SB 1403. *Patron:* Landes

HB 3129 Service districts; additional powers with regard to dredging of creeks and rivers.

Amends § 15.2-2403 to add the dredging of creeks and rivers to maintain existing uses to the powers of service districts. *Patron:* Wittman

HB 3133 Sanitary landfills; Department of Environmental Quality to develop postclosure guidelines.

An Act to require the Department of Environmental Quality to develop a postclosure guidance document for those landfills that stopped taking solid waste prior to October 9, 1993. The document is to be developed by May 1, 2007, and has to include comments made by the public. *Patron:* Morgan

HB 3134 Onsite sewage systems; Board of Health to establish program for operation and maintenance thereof.

Amends and adds §§ in Title 32.1 and amends §§ in Title 54.1 to require the Board of Health to establish a program for the operation and maintenance of alternative onsite sewage systems. Requires the owner of an alternative onsite sewage system to have the system operated by a licensed operator and visited by the operator as specified in the operation permit. Requires the Board promulgate regulations to establish licensure requirements for operators of alternative onsite sewage systems. Establishes a statewide web-based reporting system to track the operation, monitoring, and maintenance requirements of each system, including its components, and requires reports on the results of site visits utilizing the web-based system. Creates a special fund to cover the costs of the program. Requires licensure, by the Board of Waterworks and Wastewater Works and Onsite Sewage System Professionals, of operators of alternative onsite sewage systems. *Patron:* Morgan

SB 771 Treatment works; reimbursement to localities of funds for upgrades.

See summary for HB 1710, which is identical. *Patron:* Chichester

SB 798 Sewage overflows; authorizes Water Control Board to issue administrative orders for corrective act.

Amends § 62.1-44.15 to authorize the State Water Control Board to issue administrative orders to owners of municipal sewer systems that need corrective actions to prevent sanitary sewer overflows. Places a "safe harbor" provision into

Virginia law similar to that found in Section 309 of the Clean Water Act. *Patron:* Locke

SB 821 Erosion and sediment control; violation of ordinances.

See summary for HB 2568, which is identical. *Patron:* Devolites Davis

SB 998 Water systems; Board of Health to implement chronically noncompliant systems.

See summary for HB 2366, which is identical. *Patron:* Houck

SB 1061 Fertilizers; regulation.

Adds §§ 3.1-106.4:1 and 15.2-924.1 to prohibit localities from regulating the registration, packaging, labeling, sale, or distribution of fertilizers. Localities are also prohibited from regulating use, application, or storage except by ordinances consistent with certain state laws. Persons aggrieved by development conditions restricting fertilizer use will have the right to bring an action against the locality. *Patron:* Watkins

SB 1115 Trees and timber; proceeds of sale of those from state parks and natural area preserves.

Amends § 10.1-113 to place the proceeds from the sale of the timber and trees taken from (i) state park lands into the State Park Conservation Resources Fund and (ii) natural area preserves into the Natural Area Preservation Fund. The bill also requires competitive bids when the appraised value of the trees is more than \$50,000. Currently, the threshold for competitive bidding is \$10,000. *Patron:* Quayle

SB 1152 Energy Policy Act of 2006; appropriations for certain funds.

Amends §§ 67-900, 67-901, and 67-902 and §§ 67-1000 through 67-1003 of the Code of Virginia and to amend and reenact the eighth and ninth enactments of Chapter 939 of the Acts of Assembly of 2006 to provide that the 2006 Energy Policy Act establishing the Renewable Electricity Production Grant Program and Solar and Wind Energy System Acquisition Fund shall not become effective until appropriations are made to those funds, and limits grants to activities

occurring after January 1, 2007; revises the process by which eligible persons may apply for a grant; and requires that eligible wind-power generators must meet performance and quality standards established by the Department of Mines, Minerals and Energy. *Patron:* Wagner

SB 1270 Onsite sewage disposal system; certification of certain workers.

Amends §§ in Titles 10.1, 15.2, 32.1, and 54.1 to grant the Board of Health supervision and control over the maintenance, inspection and reuse of alternative onsite sewage systems. Requires the Board of Health to promulgate regulations governing the maintenance, inspection and use of alternative onsite sewage systems and the requirements for maintaining alternative onsite sewage systems. Requires the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals to establish a program for licensing individuals as onsite soil evaluators, onsite sewage system installers, and onsite sewage system operators and, in consultation with the Board of Health, adopt regulations for the licensure of certification of onsite soil evaluators, installers of alternative onsite sewage systems, and operators of alternative onsite sewage systems. *Patron:* Herring

SB 1300 Sewage sludge; locality may adopt an ordinance that requires special use permit for routine storage.

Amends §§ 32.1-164.5 and 62.1-44.19:3 to provide that a locality may adopt an ordinance requiring that a special exception or a special use permit be obtained to begin the storage of sewage sludge in its jurisdiction. No ordinance may require a special exception or a special use permit to begin the storage of sewage sludge if such sludge will be stored on the same farm to which it will be land applied. The bill has an emergency clause and was effective April 4, 2007. *Patron:* Newman

SB 1313 Sewage sludge; local government to certify compliance with ordinances.

Amends §§ 32.1-164.5 and 62.1-44.19:3 to require that the local government certify, within 30 days, as part of the state permit application to

store sewage sludge, that the site of the proposed storage is in compliance with all local ordinances. The bill also gives localities the authority to adopt an ordinance that reasonably restricts the storage of sewage sludge to certain areas or parcels based on public health, welfare, or safety criteria. Any such ordinance will not apply to a farmer who stores sewage sludge for land application on his own farm within 45 days. The Department of Environmental Quality or the Department of Health permit application filled out by the person applying the sewage sludge is not considered complete until there is such local certification. *Patron:* Hawkins

SB 1339 Land application of biosolids; consolidated to be under Department of Environmental Quality.

See summary for HB 2802, which is identical. *Patron:* Newman

SB 1403 Environmental Quality, Department of; consolidation of various boards.

See summary for HB 3113, which is identical. *Patron:* Puckett

HJ 692 Open-space & Farmlands; Funding Sources for PDRs.

Continues the joint subcommittee studying long-term funding sources for the purchase of development rights to preserve open-space land and farmlands to, among other assignments, develop a plan for the sharing of the costs of land preservation among the Commonwealth and its local governments. In conducting its study, the joint subcommittee shall review recent funding for the preservation of open-space and other conservation land; the future needs of the Commonwealth for open-space and other conservation land; the mix of programs best suited to meet such needs, the cost of such needs; and long-term funding to pay the costs. Further, the joint subcommittee shall identify strategies for increasing land preservation, water supply protection and the availability of large parks to serve Northern Virginia. This resolution is identical to SJR 401. *Patron:* Cline

HJ 694 Biosolids; panel of experts to study impact of land application.

Requests the Secretary of Natural Resources and the Secretary of Health and Human Resources to convene a panel of experts to study the impact of land application of biosolids (sewage sludge) on human health and the environment. *Patron:* Byron

SJ 361 Waste minimization, reuse, and recycling; JLARC to study.

Requests the Joint Legislative Audit and Review Commission to study waste minimization, reuse, and recycling. JLARC will evaluate the success of programs in Virginia and other states, and recommend a plan to achieve long-term waste minimization. This is a two-year study. *Patron:* Ticer

SJ 401 Open-space & Farmlands; Funding Sources for PDRs.

See summary for HJR 692, which is identical. *Patron:* Hanger

FOIA/COIA/Public Records

HB 1791 FOIA; responses to requests for public records.

Amends § 2.2-3704 to add an additional response to address situations when a public body receives a request for public records under FOIA but cannot find the requested records or the requested records do not exist. The bill also clarifies the other responses to requests for public records under FOIA. *Patron:* Griffith

HB 2062 FOIA; secure remote access to land records, certain provisions.

Amends § 8.01-449; amends and repeals §§ in Title 2.2; and amends and adds §§ in Title 17.1 to provide that the Freedom of Information Act does not apply to land records available via secure remote access. The bill provides requirements for posting land records via secure remote access to the Internet and requires, beginning July 1, 2010, that social security numbers not be contained in such documents. The circuit court clerk is given the authority to reject documents that contain social security numbers and also is allowed to perform a global redaction of social security

numbers from those documents filed before the 2010 deadline. The bill also allows the use of the Technology Trust Fund to pay for redaction. The bill is identical to SB 824. *Patrons:* McQuigg,

HB 2259 FOIA; records of regional and local park authorities.

Amends § 2.2-3705.7 to expand the current record exemption for state or local park and recreation departments to include local and regional park authorities. As a result, certain records of such authorities are not subject to mandatory public disclosure. *Patron:* Rust

HB 2520 Health records privacy; exceptions to disclose records to law-enforcement officers.

Amends § 32.1-127.1:03 to create an exception to an individual's right of privacy in the content of his health records so that health care entities may disclose records to law-enforcement officers for the purpose of identifying or locating a suspect, fugitive, person required to register with the Sex Offender and Crimes Against Minors Registry, material witness, or missing person. Specifies the type of information that may be disclosed. *Patron:* Iaquinto

HB 2527 Government Data Collection and Dissemination Practices Act (GCDA); rights of data subjects.

Amends § 2.2-3806 to require agencies covered by the GCDA to respond to a data subject who asks to inspect his record within five working days after receiving the request, or within a time period mutually agreed upon by the agency and the data subject. The bill references the pertinent section of the Virginia Freedom of Information Act (FOIA) and generally requires requests made under the GDCDPA to be handled the same way as requests for records, with comparable response times, exemption and charges for copying. *Patron:* Iaquinto

HB 2558 FOIA; exemption for certain information in rabies vaccination certificates.

Amends § 2.2-3705.7 to exempt the identification of breed of a vaccinated animal and any personal identifying information relating to the animal owner that is not made a part of an animal license application from the mandatory disclosure

provisions of the Freedom of Information Act. The bill has a one-year sunset provision. *Patron:* Brink

HB 2661 Confidential records; adds group homes to list eligible to review certain records of minors.

Amends § 16.1-300 to add group homes, residential facilities, and post dispositional facilities to the list of those eligible to review social, medical, psychiatric, and psychological reports and records of children who are or have been (i) before the court, (ii) under supervision, or (iii) receiving services from a court service unit or who are committed to the Department of Juvenile Justice. Any copies of those records in the custody of the newly added review-eligible facilities shall be destroyed if the juvenile is not admitted to such a facility. *Patron:* Marsden

HB 2669 FOIA; allows public bodies to meet by electronic communication without quorum.

Amends § 2.2-3708 to allow state public bodies to meet by electronic communication means without a quorum of the public body physically assembled at one location when (i) the Governor has declared a state of emergency in accordance with § 44-146.17, (ii) the meeting is necessary to take action to address the emergency, and (iii) the public body otherwise complies with the electronic communication meetings law. The FOIA Advisory Council has been asked to consider whether similar authority should be extended to local public bodies. *Patron:* Sherwood

SB 824 FOIA; secure remote access to land records, certain provisions.

See summary for HB 2062, which is identical. *Patron:* Devolites Davis

SB 1000 Taxicab service by localities; financial data collected used only for consideration of rates, etc.

Amends § 46.2-2062 to provide that financial data collected by local governing bodies shall be used only for consideration of rates or charges, or to determine financial responsibility, and shall be kept confidential by the governing body. The bill provides, however, that any certificate of

insurance, bond, letter of credit, or other certification that the owner or operator has met the requirements of this chapter or of any local ordinance with regard to financial responsibility is not confidential. *Patron:* Houck

SB 1001 FOIA; electronic communication meetings, report.

Amends §§ 2.2-3701, 2.2-3708, 23-38.95, and 23-50.16:32 and adds § 2.2-3708.1 to reduce the notice requirement for electronic communication meetings from seven to three working days and clarifies that political subdivisions, other than units of local government, may conduct electronic communication meetings. The bill also allows an individual member of a public body to participate in a meeting through electronic communication means from a remote location that is not open to the public in the event of an emergency, temporary or permanent disability or other medical condition, or when a member of a regional public body's principal residence is more than 60 miles from the primary meeting location. For a member to participate in the above described manner, the bill requires that a quorum of the public body be physically assembled at the primary or central meeting location and that the public body make arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location. The bill defines "regional public body." *Patron:* Houck

SB 1002 FOIA; public access to procurement records, and discussions thereof.

Amends §§ 2.2-3705.6, 2.2-3711, and 56-573.1:1 to allow memoranda, staff evaluations, or other records prepared by the responsible public entity, its staff, outside advisors, or consultants exclusively for the evaluation and negotiation of proposals filed under the PPTA (Public-Private Transportation Act of 1995) and PPEA (Private Education Facilities and Infrastructure Act of 2002) to be withheld from public disclosure if making such records public would adversely affect the financial interest or bargaining position of the public entity. The bill also allows any independent review panel appointed to review such proposals to meet in a closed meeting. *Patron:* Houck

SB 1111 FOIA; closed meetings about security of public buildings.

Amends § 2.2-3711 to add a closed meeting exemption for the discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure. Currently such plans and reports are exempt from FOIA disclosure but there has been no exemption for discussing them in closed meeting. *Patron:* Houck

SB 1255 Courthouse; posting of notices.

Adds § 1-211.1 to provide that whenever notices, summonses, orders, and other official documents are required to be posted on or at the front door of a courthouse or on a public bulletin board at the courthouse, this requirement can be met if such documents are posted at or near the principal public entrance to the courthouse in a conspicuous location that has been approved by the chief judge of the circuit in which the courthouse is situated. *Patron:* Herring

SB 1282 Law-enforcement officers; removal of their land records from Internet.

Amends § 18.2-186.4 to include identification of the person's primary residence address in the statute prohibiting the publishing of a person's name or photograph along with their identifying information. Also states that if any person violates the statute (§ 18.2-186.3), and he knew or had reason to know that the person he was identifying was a law-enforcement officer, then he is guilty of a Class 6 felony instead of a Class 1 misdemeanor. *Patron:* Stosch

SB 1369 FOIA; expands current record & meeting exemptions for retirement systems.

Amends §§ 2.2-3705.7 and 2.2-3711 to provide an exemption for the Virginia Retirement System (VRS) and local retirement systems for trade secrets provided by a private entity to the extent that the disclosure of such records would have an adverse impact on the financial interest of the VRS or local retirement system. The bill contains an emergency clause. *Patron:* Bell

SB 1400 Conflict of Interests Act, State and Local Government; conduct of governmental bodies.

Amends §§ 2.2-3112 and 15.2-1415 to provide that if the disqualification of a member of a public body who has a personal interest in a transaction leaves fewer than the number required by law to act, the remaining member or members shall constitute a quorum for the conduct of business and have authority to act for the body by majority vote. *Patron:* Colgan

Health & human services

HB 1692 Home Energy Assistance Program; reduces frequency of required reports.

Amends § 63.2-805 to reduce the frequency of the reports required from the Department of Social Services regarding the effectiveness of low-income energy assistance programs in the Commonwealth. Currently, reports are due by October 1 of each year. The measure provides that after October 1, 2007, reports will be due biennially. *Patron:* Kilgore

HB 1897 Adoption; exchange of medical and psychological information.

Amends § 63.2-1208 to provide that the investigative report that must be made to the circuit court shall include a statement by the child-placing agency or local director of social services that all reasonably attainable background, medical and psychological records of the child have been provided to the prospective adoptive parents, a list of the records provided, and the relevant physical and mental history of the birth parents if known. *Patron:* Albo

HB 1905 Adoption; social worker meeting with birth parents and prospective parents.

Amends § 63.2-1231 to change the requirement that a social worker meet with the birth parent(s) and prospective adoptive parents simultaneously to an optional provision. Provides that such meetings may occur simultaneously or separately, upon the agreement of both parties. *Patron:* Albo

HB 2032 Aging, Department for; expands long-term care services.

Amends § 2.2-701 to expand the type of long-term care services that must be provided, including transportation, educational, and housing services and opportunities for self-care and independent living. *Patron:* Hamilton

HB 2036 Admission hearings, involuntary; adds providers to list by which an examiner may be employed.

Amends § 37.2-815 to add community service boards and behavioral health authorities to the list of facilities by which an examiner may be employed. *Patron:* Hamilton

HB 2211 Emergency Medical Services Registry and Statewide Trauma Registry; created.

Amends §§ 32.1-116.1 and 32.1-116.1:1 to create the Virginia EMS Registry within the Emergency Medical Services Patient Care Information System to collect data previously collected by the prehospital patient care reporting procedure. Creates the Virginia Statewide Trauma Registry to collect information on trauma injuries in the Commonwealth. *Patron:* O'Bannon

HB 2218 Charitable organizations; exempt those engaged in food distribution to needy.

Amends § 35.1-14.2 to exempt charitable organizations that engage in food distribution to the needy from state and local regulations and ordinances that govern food service and preparation. Includes non-profit homeless shelters and hunger prevention programs under the definition of "charitable organizations" for purposes of the exemption. Permits the Board of Health to issue advisory standards for food preparation, handling, protection, and preservation. The bill contains an emergency clause and is identical to SB 806. *Patron:* Amundson

HB 2263 Hospital or health center commissions; membership.

Amends § 15.2-5204 to provide that members of a hospital or health center commission may be residents of the political subdivisions they represent. Under current law, members of a hospital or health center commission must be

residents of the political subdivisions they represent. *Patron:* Rust

HB 2504 Criminal history & central registry check; mandatory check for foster, etc. parents.

Amends § 63.2-901.1 to establish mandatory background checks for prospective foster or adoptive parents. Provides that in the case of an emergency, a local board must search the central registry and obtain a written affirmation from the individual prior to placement. Prohibits approval of foster or adoptive homes where an individual has record of an offense set forth in § 63.2-1719 or a founded complaint of child abuse or neglect as maintained in registries pursuant to § 63.2-1515 and the Adam Walsh Child Protection and Safety Act (42 U.S.C.S. 16901 et seq.). The bill has an effective date of April 1, 2007. *Patron:* Toscano

HB 2678 Opiate addiction treatment; services on Sunday.

Amends § 37.2-406 to provide that no provider shall be required to conduct, maintain or operate services for the treatment of persons with opiate addiction through the use of methadone or other opioid replacements on Sunday except when such service is provided by a hospital licensed by the Board of Health or the Commissioner or is owned or operated by an agency of the Commonwealth. Requires that the Department of Health shall develop guidelines or regulations to ensure the appropriate health, welfare and safety of consumers and the security of take-home doses. *Patron:* Ware, O.

HB 2906 Community Action Act; designation of community action agency.

Amends § 2.2-5407 to revise the process for the designation of a community action agency and for the rescission of such a designation. *Patron:* Spruill

HB 2962 Life-sharing communities; criteria for licensing and inspection thereof.

An Act to define a life-sharing community as a residential setting with therapeutic activities for persons with developmental disabilities and establishes criteria for the licensing and

inspection of such communities by the Department of Social Services. *Patron:* Bell

SB 806 Charitable organizations; exempt those engaged in food distribution to needy.

The bill contains an emergency clause. See summary for HB 2218, which is identical.

Patron: Puller

SB 890 Involuntary mental health commitment; emergency custody order to include transportation.

Amends §§ 37.2-808 and 37.2-810 to allow an emergency or temporary custody order to include transportation to a medical facility for a medical evaluation if required by a physician at the hospital to which the person is being transported.

Patron: Deeds

SB 1133 VIEW program; increase of requirements.

Amends §§ in Title 63.2 to modify the Temporary Assistance for Needy Families Program to increase Virginia Initiative for Employment Not Welfare (VIEW) requirements as required by federal changes in the law. This bill also eliminates food stamps from the subsidies replaced by the Full Employment Program, eliminates community work experience placement, and certain VIEW program exemptions. The bill authorizes post termination payments of up to \$50 per month for recipients who work at least 30 hours per week. *Patron:* Deeds

SB 1146 Neighborhood Assistance Act; eligibility requirements.

Amends § 63.2-2002 to require that regulations be promulgated that provide that at least 50 percent of the persons served by the neighborhood organization are impoverished people. *Patron:* Wagner

SB 1186 Community services board members; terms of office.

Amends § 37.2-502 to authorize the governing body of a city or county to reappoint a member of a community services board after a three-year period has elapsed since the end of the member's last three-year term. *Patron:* Blevins

SB 1332 Community policy and management teams; adds children requiring mental health services.

Amends §§ 2.2-5211 and 2.2-5212 to expand the target population for receipt of state funds to include children requiring mental health services, provided that (i) the child is eligible for funding pursuant to subdivision A1 of § 2.2-5212; (ii) sufficient facts exist for a licensed mental health professional designated by the Family Assessment and Planning Team (FAPT) or by a juvenile court services intake officer to conclude that the child's behavior, conduct or condition presents or results in a serious threat to his well-being and physical safety, or, if he is under the age of 14, in a serious threat to the well-being and physical safety of another person; (iii) mental health services are required to prevent placement in foster care as determined and recommended by a licensed mental health professional designated by the FAPT; (iv) the FAPT indicates as a goal in the individualized family services plan that, absent the referenced mental health services, foster care is the planned arrangement for the child; (v) the mental health services are not covered by private insurance; and (iv) the child is not eligible for Medicaid upon initial evaluation of the listed criteria. This bill expands eligibility for state pool funds to include children requiring mental health services to avoid placement in foster care. This bill shall become effective only if reenacted by the 2008 Regular Session of the General Assembly. *Patron:* Devolites Davis

HJ 701 Health care providers; feasibility of offering liability protection.

Establishes a joint subcommittee to study the feasibility of offering liability protections to health care providers rendering aid during a state or local emergency. The joint subcommittee shall examine the estimated benefits to the citizens of the Commonwealth of enhanced liability protections for health care providers during emergencies as well as determine how many other states provide these kinds of liability protections. This resolution is identical to SJR 390. *Patron:* Hamilton

HJ 774 Mental health services for children; DMHMRSAS responsible for planning and delivery thereof.

Recognizes the Department of Mental Health, Mental Retardation, and Substance Abuse Services as the primary state agency responsible for the planning and delivery of mental health services in the Commonwealth. This resolution also states that neither the Department of Social Services nor the Office of Comprehensive Services is the default system for the provision of mental health services. *Patron:* Kilgore

SJ 390 Health care providers; feasibility of offering liability protection.

See summary for HJR 701, which is identical. *Patron:* Newman

Land use

HB 1823 Right to Farm Act; adds cities and towns to certain provisions.

Amends § 3.1-22.28 to add cities and towns to certain provisions of the Right to Farm Act that currently only apply to counties; this is a technical amendment as an existing separate code section already has the same effect. *Patron:* Suit

HB 1968 Family subdivision; amends statute for conveyance of a lot.

Amends § 15.2-2244.1 to amend the statute that authorizes localities to provide an additional method for subdivision of a lot for conveyance to a family member. Under current law, the property owner must agree to place a restrictive covenant on the subdivided property that would prohibit the transfer of the property to a nonmember of the immediate family for a period of 15 years. The bill provides that a locality may reduce or provide exceptions to such period of years when changed circumstances so require. *Patron:* Lewis

HB 2010 Affordable housing; incentives for localities adopting bonus density.

Amends § 15.2-2305 to make numerous changes to the affordable housing law including authorizing establishment of housing trust funds and allowing acceptance of cash in lieu of affordable units. This bill is identical to SB 955. *Patron:* Suit

HB 2261 Zoning violations; overcrowding of residential dwellings.

Amends § 15.2-2286 to provide for enhanced fines for conviction of violations of provisions regarding overcrowding of residential dwellings. *Patron:* Rust

HB 2265 Plats; validation of certain.

Amends § 15.2-2266 to change the date from 1953 to 1975 for validating subdivision plats that failed to comply with the technical requirements for recordation existing at the time such plat was recorded. *Patron:* Rust

HB 2380 Road improvements; use of cash proffers by localities.

Amends § 15.2-2303.2 to add special exceptions. Current law allows locality to negotiate and award a contract without competition to an entity that is constructing road improvements pursuant to conditional zoning. Bill contains an emergency clause. *Patron:* May

HB 2493 Farm wineries; establishes criteria for local regulation thereof.

Amends § 15.2-2288.3 to provide that local restriction upon licensed farm wineries' activities and events to market and sell their products shall be reasonable and shall take into account the economic impact on the farm winery of such restriction and whether such activities and events are usual and customary for farm wineries throughout the Commonwealth. Bill provides that no local ordinance regulating noise, other than outdoor amplified music, arising from activities and events at farm wineries shall be more restrictive than that in the general noise ordinance. This bill is identical to SB 1205. *Patron:* Albo

HB 2500 Conditional zoning; allows high-growth localities to use Northern Virginia form.

Amends § 15.2-2298 to allow "high-growth" localities to use the "Northern Virginia" form of conditional zoning. This will give high-growth localities greater flexibility including the ability to accept proffers, the need for which is not generated solely by the rezoning. *Patron:* Orrock

HB 2503 Development rights; county and adjacent city may enter voluntarily into an agreement.

Amends §§ 15.2-2316.1 and 15.2-2316.2 to provide that a county and adjacent city may enter into an agreement to permit the county to designate eligible receiving areas in the city if the governing body of the city amends its zoning ordinance to designate the same areas as eligible to receive density being transferred from sending areas in the county. The bill also expands the definition of "sending property." Identical to SB 869. *Patron:* Toscano

HB 2544 Subdivision plats; local planning commission, etc. to forward to state agency for review.

Amends §§ 15.2-2259, 15.2-2260, and 15.2-2269 to require water & sewer authorities and VDoT to allow use of public street rights of way to be used for other utilities, upon obtaining a permit. Requires a local planning commission to forward a plat to the appropriate state agency or agencies for review within 10 business days if such state review or approval is necessary. The state agency or public authority reviewing a plat must complete its review within 45 days of receipt of first submission and within 45 days of receipt if the plat has previously been disapproved. *Patron:* Lingamfelter

HB 2614 Electrical utility facilities; review of construction applications by State Corporation Commission.

Amends § 56-46.1, for power lines over 150kV, to require the State Corporation Commission to review assessment of need, load flow analysis, and method of installation provided by applicant. Utilities are required to provide a GIS map of the proposed power line to the Commission, which shall make the GIS map publicly available on its website. *Patron:* May

HB 2694 Resources Authority; expands projects that can be financed to include land conserv. & preservation.

Amends §§ 62.1-198 and 62.1-199 to expand projects that can be financed through the Authority to include programs or projects for land

conservation or land preservation. This bill is identical to SB 1211. *Patron:* Cline

HB 2727 Condominium Act; allows elderly or disabled tenants in conversion units to assign purchase right.

Amends § 55-79.94 to allow any tenant who is disabled or elderly to assign the exclusive right to purchase his unit to a government agency, housing authority, or certified nonprofit housing corporation, which shall then offer the tenant a lease at an affordable rent, in the case of a conversion condominium. The bill provides that the acquisition of such units by the governmental agency, housing authority, or certified nonprofit housing corporation shall not (i) exceed the greater of one unit or five percent of the total number of units in the condominium or (ii) impede the condominium conversion process. The bill defines affordable rent and certified nonprofit housing corporation. The bill is identical to SB 968. *Patron:* Englin

HB 2776 Sex offender treatment offices; prohibited in certain residential areas.

An Act to provide that no individual shall knowingly provide sex offender treatment to convicted sex offenders in an office or similar facility located in a residentially zoned subdivision. *Patron:* Athey

HB 2825 Land Conservation Fund; disbursement.

Amends § 10.1-1020 to establish a threshold that determines how the unrestricted funds in the Virginia Land Conservation Fund will be expended. If, by September, the new deposits in the Fund are less than \$10 million, 25% of the money in the Fund is allocated to the Open-Space Land Preservation Trust (OSLPTF) Fund and 75% is disbursed in the form of grants equally among the following four uses: natural area protection, open spaces and parks (including land for hunting, fishing or wildlife watching), farmlands and forest preservation, and historic area preservation. If the Fund contains \$10 million or more, the OSLPTF receives 25% of the money in the Fund and the remaining funds are awarded equally in the form of grants among the five uses. Any OSLPTF funds not disbursed or

committed to a project by the end of the fiscal year revert to the Virginia Land Conservation Fund to be redistributed among the authorized uses. This bill is identical to SB 942. *Patron:* Ware, R.L.

HB 3002 Affordable housing; investment of funds.

Amends § 2.2-4327 to allow a locality evaluating proposals for the deposit or investment of public funds to consider the competing financial institutions' investment activities that enhance affordable housing accessibility for local government employees. *Patron:* Scott, J.M.

HB 3011 Bonding requirements; facilities dedicated for public use.

Adds § 15.2-2241.1 to provide that a governing body of a locality shall not require a developer to furnish a bond for the estimated cost of construction of facilities to be dedicated for public use until construction plans are submitted for the section in which such facilities are to be located. *Patron:* Hull

HB 3031 Comprehensive plans; affect of approval of transmission lines.

Amends §§ in Title 15.2 to allow localities to create corridors for 150kV or greater electric lines in the comprehensive plan. Requires notice to the power company. Company and locality are to coordinate on showing the corridors in the comprehensive plan. *Patron:* Marshall, R.G.

HB 3120 Farm wineries; no county, city, or town shall adopt an ordinance prohibiting storage, etc.

Amends § 4.1-128 to provide that no county, city, or town shall adopt an ordinance or resolution that prohibits or regulates the storage, warehousing, or wholesaling of wine by a licensed farm winery, so long as it is done in accordance with state and federal law and ABC regulations. *Patrons:* Albo

SB 735 Spot blight abatement; interest on liens.

Amends § 36-49.1:1 to give a locality a lien on property declared a nuisance when the locality, and not the owner, abates or removes the nuisance

at its expense. The bill provides that this lien shall bear interest at the legal rate of interest established in § 6.1-330.53, beginning on the date the removal or abatement is completed through the date on which the lien is paid. The bill also provides for the same interest rate for liens on property declared to be blighted. *Patron:* Cuccinelli

SB 869 Development rights; county and adjacent city may enter voluntarily into an agreement.

See summary for HB 2503, which is identical. *Patron:* Watkins

SB 942 Land Conservation Fund; disbursement.

See summary for HB 2825, which is identical. *Patron:* Ticer

SB 955 Affordable housing; localities that adopt bonus density in exchange therefor allowed incentives.

See summary for HB 2010, which is identical. *Patron:* Quayle

SB 968 Condominium Act; allows elderly or disabled tenants in conversion units to assign purchase right.

See summary for HB 2727, which is identical. *Patron:* Whipple

SB 1031 Energy facility; requirements for applicant.

Amends § 56-46.1 to establish a pre-application planning and review process for certain gas or electric utility facilities. *Patron:* O'Brien

SB 1114 Residential Property Disclosure Act; disclosure of pending zoning violation.

Amends § 55-519 to require a seller of residential property to notify purchasers if there are pending violations of any local zoning ordinances that the owner has not abated or remedied within the applicable time period set out in the written notice of violation or established by a court. *Patron:* Devolites Davis

SB 1200 Highway improvement projects, local; VDOT fees.

Amends § 15.2-2222.1 to provide if VDoT doesn't supply response to transportation impact statement in timely manner, the locality may deem that it has no comments; amends amount VDoT may charge; extends exemption from administrative process act by one year. *Patron:* Houck

SB 1205 Farm wineries; establishes criteria for local regulation thereof.

See summary for HB 2493, which is identical. *Patron:* Hanger

SB 1211 Resources Authority; expands projects that can be financed to include land conserv. & preservation.

See summary for HB 2694, which is identical. *Patron:* Hanger

SB 1351 Public utility facilities; approval thereof.

Amends § 15.2-2232 to exempt underground gas and electric distribution lines from current comprehensive plan requirement that no public utility or public service corporation facility shall be constructed, established or authorized, until the general location, character, and extent has been approved by the planning commission as being substantially in accord with the plan. *Patron:* Wagner

SB 1362 Electrical utility facilities; State Corporation Commission to review applications thereof.

Amends § 56-46.1 to reduce the floor for the size of electrical transmission lines requiring approval of the State Corporation Commission from 150 kilovolts to 138kV. Utilities are required to provide the Commission a GIS map of any proposed improvement or extension. The GIS map will be publicly available on the SCC website. The measure requires the Commission to conduct an analysis of the applicant's assessment of need, load flow analysis, and method of installation. *Patron:* Colgan

SB 1378 Contracts; Director of Corrections to approve or deny community-based residential services.

Amends § 53.1-10 to provide that once the Director of Corrections determines it desirable to contract with a public or private entity for the provision of community-based residential services, he shall notify the local governing body of the jurisdiction in which the facility is to be located of the proposal and of the facility's proposed location and provide notice, where requested, to the chief law-enforcement officer for such locality when an offender is placed in the facility at issue. *Patron:* Obenshain

SB 1412 Zoning administrator; authority thereof when investigating violation of ordinance.

Amends § 15.2-2286 to state that if the zoning administrator of a locality within Planning District 8 has reasonable cause to believe that a person has engaged in or is engaging in any violation of a zoning ordinance that limits occupancy in a residential dwelling unit, which is subject to a civil penalty under § 15.2-2209, and the zoning administrator, after a good faith effort to obtain the data or information necessary to determine whether a violation has occurred, has been unable to obtain such information, he may request that the locality's attorney to petition the judge of the general district court for his jurisdiction for a subpoena duces tecum against any such person refusing to produce the information. *Patron:* Cuccinelli

HJ 696 Residential dwelling units; overcrowding and its impact on neighborhoods.

Directs the Virginia Housing Commission to study the impacts of and solutions for residential overcrowding. *Patron:* Miller, J.H.

SJ 366 Affordable housing; state incentives for targeted development

Directs the Virginia Housing Commission to study state incentives for (i) developments that locate affordable housing near identified employment centers, high-density districts, and transit areas including acknowledgement of the impact of commuting on affordable housing, and

(ii) local jurisdictions that participate in regional planning efforts for projected job growth impact analysis that includes all income ranges and housing types. *Patron:* Whipple

Miscellaneous

HB 1673 Immigration, Commission on; created, report.

Amends and adds §§ in Title 2.2 to create the Virginia Commission on Immigration as an advisory commission in the executive branch. The purpose of the Commission is to study, report, and make recommendations to address the costs and benefits of immigration on the Commonwealth, including the impact on education, health care, law enforcement, local demands for services and the economy, and the effect on the Commonwealth of federal immigration and funding policies. The Commission expires on August 1, 2009. *Patron:* Marshall, R.G.

HB 1784 Wine and beer; delivery thereof, permits.

Amends, adds, and repeals §§ in Title 4.1 to allow a brewery, winery, or farm winery located within or outside the Commonwealth that is authorized to engage in the retail sale of wine or beer, after obtaining a delivery permit from the ABC Board, to deliver wine and beer to consumers. Such privilege was removed as a result of recent federal litigation challenging the constitutionality of Virginia's ABC law. This bill is identical to SB 1289. *Patron:* Cosgrove

HB 1787 Public officials, etc.; civil immunity; probationers assigned to recycling duty.

Amends § 8.01-226.8 to provide civil immunity for public officials and private volunteers from a lawsuit by probationers who are assigned recycling duties at landfills, garbage transfer sites, and other public waste disposal systems. *Patron:* Kilgore

HB 1885 Voice-over-Internet protocol service; revises definition.

Amends § 56-1 to revise the definition of Voice-over-Internet protocol service to eliminate references to Internet protocol-compatible

customer premises equipment. VOIP service providers are exempt from regulation by the State Corporation Commission. *Patron:* Marshall, R.G.

HB 1899 Newspapers; legal notices or publications.

Amends § 8.01-324 to provide that a newspaper that does not have a second-class mailing permit does not need to have a bona fide list of paying subscribers before the circuit court for the jurisdiction in which the newspaper is located can grant the authority for the newspaper to publish ordinances, resolutions, notices, or advertisements required by law to be published in a newspaper. Currently, such newspapers are required to have a bona fide list of paying subscribers before such authority can be granted. This bill is identical to SB 970. *Patron:* Albo

HB 1930 DMV; exempts federal, state, and local officials from fees charged for obtaining data from records.

Amends §§ 46.2-208 and 46.2-214 to eliminate the fee to receive driving record abstracts from the Department of Motor Vehicles for (i) local government group self-insurance pools, (ii) law-enforcement officers, (iii) attorneys and court officials for the Commonwealth, (iv) officials of counties, cities, and towns, and (v) court, police, and licensing officials of other states and of the federal government. This bill is identical to SB 1097. *Patron:* Rapp

HB 1980 Alcoholic beverage control; creates a mixed beverage limited caterer's license.

Amends §§ 4.1-210, 4.1-231, and 4.1-233 to create a new mixed beverage limited caterer's license, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings or events per year. The bill authorizes the licensee to sell and serve alcoholic beverages for on-premises consumption, and the licensee must meet the required food sale ratio. The bill sets forth the state and local license taxes for this new license. *Patron:* Lohr

HB 1984 Alcoholic beverage control; definition of public place and local authority.

Amends §§ 4.1-100 and 4.1-128 to amend the definition of public place for the purpose of the alcoholic beverage control laws to include a sidewalk adjoining any highway, street, or lane. The bill also provides that a local governing body may adopt an ordinance regulating the possession of opened alcoholic beverage containers on a sidewalk adjoining any public street. *Patron:* Lohr

HB 1995 Alcoholic beverage sale nuisances; locality may petition court to enjoin sale.

Adds § 48-17.1 to allow any locality by or through its mayor, executive, or attorney to file a petition in a circuit court to enjoin the sale of alcohol at any establishment licensed by the Alcohol Beverage Control Board. The basis for such petition shall be that the operator of the establishment has allowed it to become a meeting place for persons committing serious criminal violations of the law. After a final determination has been issued by the ABC Board the injunction is null. *Patron:* Suit

HB 2196 Chief Information Officer; powers and duties.

Amends § 2.2-2007 to give the CIO of the Commonwealth the power to enter into contracts with one or more other public bodies, or public agencies or institutions or localities of the several states for the provision of information technology services. *Patron:* Nixon

HB 2197 Libraries; state funded shall have technology protection measures against Internet restrictions.

Amends § 42.1-36.1 to require the library board or governing body of a library that receives state funding for any purpose to include in its acceptable use policy for the Internet provisions on activating a technology protection measure to filter or block Internet access to child pornography, obscenity, and, with respect to minors, materials deemed harmful to juveniles. The bill also requires the policy to include a provision for disabling the technology protection measure at the request of a patron in instances of

bona fide research or other lawful purposes. The bill is identical to SB 1393. *Patron:* Nixon

HB 2210 Medical examiner fee; county or city shall be responsible therefor.

Amends § 32.1-283 to clarify that the county or city of which the deceased was a legal resident shall be responsible for the medical examiner fee up to \$20. *Patron:* O'Bannon

HB 2298 Localities; gifts and donations of personal property may be delivered to another govt. entity, etc.

Amends § 15.2-953 to provide that localities may make and deliver gifts and donations of personal property to another governmental entity in or outside of the Commonwealth. This bill is identical to SB 868. *Patron:* McClellan

HB 2381 Public-Private Education Facilities and Infrastructure Act; wireless broadband services.

Amends §§ 56-575.1, 62.1-198, and 62.1-199 to specify that the Virginia Public-Private Education Facilities and Infrastructure Act can be used for projects related to the technology and infrastructure necessary to deploy wireless broadband services to schools, businesses, and residential areas. The bill also authorizes the Virginia Resources Authority to fund wireless broadband projects. *Patron:* May

HB 2450 Alcoholic beverage control; creates new restricted wholesale wine license.

Amends §§ in Title 4.1 and adds §§ 3.1-14.01 and 4.1-207.1 to create a new restricted wholesale wine license that authorizes the licensee to provide wholesale wine distribution services to winery and farm winery licensees, provided that no more than 3,000 cases of wine produced by a winery or farm winery licensee shall be distributed by the corporation in any one year. The bill requires the Commissioner of the Department of Agriculture and Consumer Services to form a nonprofit nonstock corporation that will hold this new license to promote, develop, and sustain markets for licensed Virginia wineries and farm wineries. The bill also allows certain licensees to deliver or ship beer or wine from one or more premises identified in the

license. The bill sets the state license tax for this new license and requires the ABC Board to adopt emergency regulations to implement the provisions of the bill. This bill is identical to SB 1413 and contains an emergency clause. *Patron:* Saxman

HB 2502 Locality; expands definition of donations to include provision of in-kind resources for event.

Amends § 15.2-953 to expand the definition of "donations" to include the lawful provision of in-kind resources for any event sponsored by the donee. *Patron:* Lewis

HB 2637 Alcoholic beverage control; creates limited mixed beverage restaurant licenses.

Amends §§ in Title 4.1 to create a new limited mixed beverage restaurant license that authorizes the licensee to sell and serve no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or other nonalcoholic beverages for consumption in dining areas of the restaurant. Such license may be granted only to persons who operate a restaurant and in no event shall the sale of such liqueur-based drinks exceed 10 percent of the total annual gross sales. The bill defines liqueur and sets the state and local license taxes for this new license. *Patron:* Gear

HB 2638 Alcoholic beverage control; clarifies outdoor dining areas for mixed beverage restaurant license.

Amends § 4.1-210 to clarify that outdoor dining areas for a mixed beverage restaurant license include such areas that have more than one means of ingress and egress to an adjacent public thoroughfare. *Patron:* Gear

HB 2885 Housing authorities; compensation of commissioners.

Amends § 36-11 to require commissioners of a housing authority to receive compensation not to exceed \$75 for each meeting of the authority attended by the commissioner. Currently, commissioners do not receive compensation for their services, but are entitled to reimbursement of expenses. *Patron:* Phillips

HB 2928 Population brackets; replaces other descriptions found in Code of Virginia with locality names.

Amends §§ in Titles 4.1, 10.1, 15.2, 16.1, 17.1, 18.2, 19.2, 21, 22.1, 24.2, 27, 29.1, 33.1, 44, 46.2, 56, 58.1, 59.1. In recent years, the Speaker of the House has ruled that the use of population brackets in a bill to describe individual localities does not keep the bill from being a special act requiring a supermajority vote. That ruling eliminates the traditional reason for using population brackets, and most bills limited to one or more localities have begun to list them by name. A recommendation of the Code Commission, this bill removes such population brackets from all code sections and replaces them with the names of cities, counties or towns to which the sections apply. *Patron:* Landes

HB 3068 Electric utility service; advances scheduled expiration of capped rate period.

Amends, adds and repeals §§ in Title 56 to advance the scheduled expiration of the capped rate period from December 31, 2010, to December 31, 2008, establishes a new mechanism for regulating the rates of investor-owned electric utilities, and limits the ability of most consumers to purchase electric generation service from competing suppliers. Local governments (and other political subdivisions) may aggregate the energy loads of their facilities in negotiating terms and rates, which preserves the rights of the VML/VACo electric rate committees to negotiate with the utilities on rates – a practice of over thirty years. This bill is identical to SB 1416. *Patron:* Hogan

HB 3082 Religious freedom; reiterates an individual's freedom of religion.

Amends § 17.1-406 and adds § 57-2.02 to reiterate an individual's freedom of religion and prohibits a government entity from unduly burdening such right. The bill provides a cause of action for declaratory or injunctive relief for violation. A person prevailing in such an action may recover reasonable costs and attorney fees, but not monetary damages. A petition for appeal to the Court of Appeals may be made from any decision to grant or deny declaratory and injunctive relief. The provisions of the bill shall not prevent any governmental institution or

facility from maintaining health, safety, security, or discipline. The bill does not apply to the Department of Corrections, the Department of Juvenile Justice, any facility of the Department of Mental Health, Mental Retardation and Substance Abuse Services that treats civilly committed sexually violent predators, or any local, regional or federal correctional facility. *Patron:* Lingamfelter

HB 3141 Local governing body tie breakers; eliminates use of an unelected person.

Amends §§ 15.2-1420 and 15.2-1421 to eliminate the use of an unelected person to break tie votes of a county governing body. The option of an elected tie breaker remains. *Patron:* Reid

SB 868 Localities; gifts, etc. of personal property may be delivered to another government entity in State.

See summary for HB 2298, which is identical. *Patron:* Watkins

SB 913 Notice of claim; certain requirements for lawsuit against government entity.

Amends, adds, and repeals §§ in Title 8.01 to change the structure of the notice of claim against the Commonwealth or a transportation district and states that when notice is challenged under the statute, the claimant must prove receipt of notice and not just that notice was mailed. Also extends the notice of claim for tort claims to counties, cities and towns. *Patron:* Obenshain

SB 970 Newspapers; legal notices or publications.

See summary for HB 1899, which is identical. *Patron:* Howell

SB 971 Sheriff's departments and regional jails; supplemental liability insurance.

Amends § 2.2-1839 to provide that a sheriff's department of any city or county or a regional jail shall not be precluded from securing excess liability insurance coverage beyond the coverage provided by the Division. *Patron:* Howell

SB 1097 Records of DMV; eliminates fee to receive driving record abstracts.

See summary for HB 1930, which is identical. *Patron:* Williams

SB 1250 Public hearings; person shall be immune from civil liability for certain violations.

Adds § 8.01-223.2 to provide that any citizen appearing at a public hearing before the locality's governing body or its boards, commissions, agencies and authorities shall be immune from a civil liability for a violation of § 18.2-499 (willful and malicious injury to another's reputation, trade, business, or profession), or a claim of tortious interference with an existing contract or a business or contractual expectancy, arising from a citizen's statements concerning matters properly before the governing body, unless person knew statements were untrue or they were made recklessly. *Patron:* Herring

SB 1281 Economic Development Incentive Grants; reduces waiting period for payments.

Amends § 2.2-5102.1 to reduce the waiting period for payments under the Virginia Economic Development Incentive Grant subfund from four to three years. The bill also (i) raises the aggregate amount of grants payable in any fiscal year from \$3 million to \$6 million, (ii) raises the aggregate amounts outstanding at any time from \$15 million to \$30 million, and (iii) removes the limit on incentive grants that may be awarded in any single biennium. *Patron:* Stosch

SB 1289 Wine and beer; delivery thereof, permits.

See summary for HB 1784, which is identical. *Patron:* Watkins

SB 1293 Clerks, sheriffs, etc.; localities exempt from paying fees for certain services.

Amends § 17.1-266 to provide that localities are exempt from paying any fees for services rendered by clerks or other court officers for services rendered in cases when the locality is a party to a case in its own court system or in any other jurisdiction where the locality and the other jurisdiction have a reciprocal waiver of fees agreement. The bill further provides that sheriffs may grant a waiver of sheriff's fees to other localities. *Patron:* Norment

SB 1393 Libraries; state funded shall have technology protection measures against Internet restrictions.

See summary for HB 2197, which is identical.

Patron: Stosch

SB 1413 Alcoholic beverage control; creates new restricted wholesale wine license.

See summary for HB 2450, which is identical.

This bill contains an emergency clause. *Patron:* Hanger

SB 1416 Electric utility service; advances scheduled expiration of capped rate period.

See summary for HB 3068, which is identical.

Patron: Norment

HJ 686 Commission on Electric Utility Restructuring; feasibility of voluntary program.

Directs the Commission on Electric Utility Restructuring to include in its deliberations an evaluation of the efficacy of a voluntary program to encourage the production of electricity from renewable resources. *Patron:* Plum

Personnel

HB 2095 Retirement System; additional information to localities and authorized to assess fees.

An Act to direct the Virginia Retirement System to provide each participating locality the locality-specific data as may be necessary for each locality to determine the specific assumptions that are driving its VRS-related costs, and to understand the retirement costs of different classes of covered employees. Employers that request additional reporting or actuarial analysis beyond that provided as part of the annual valuation will be assessed a fee that recovers the cost to VRS. *Patron:* Tata

HB 2096 Retirement System; accumulated contributions includes all employer-paid, tax-deferred contributions.

Amends §§ 51.1-124.3 and 51.1-142.2 to clarify that a member's "accumulated contributions" includes all employer-paid, tax-deferred contributions. *Patron:* Tata

HB 2272 Employment Commission; electronic filing of employer's reports therewith.

Amends § 60.2-512 to require employers with 100 or more employees to file quarterly reports electronically commencing January 1, 2009.

Currently, employers with 250 or more employees are required to file quarterly reports on a magnetic medium. Any employer required to file electronically who fails to do so without good cause shown shall, unless he has obtained a waiver, be assessed a penalty of \$75. *Patron:* Purkey

HB 2294 Workers' compensation; clarifies certain government employees.

Amends § 65.2-101 to classify policemen, firefighters, sheriffs and their deputies, and certain other individuals who are generally deemed to be employees of their employing locality for purposes of the Virginia Workers' Compensation Act, as employees of the Commonwealth while rendering aid outside of the Commonwealth pursuant to a state-approved request under the Emergency Management Assistance Compact. *Patron:* McClellan

HB 2557 Health insurance; State to pay for law-enforcement officer receiving work-related disability.

Amends §§ 9.1-403 and 51.1-1132 to provide that the Commonwealth will continue to pay the employer's share of health insurance coverage for the state police officer and his family or dependents during periods of work-related long-term disability. Currently, the employee is responsible for the full cost of coverage during long-term disability. In addition, the bill requires that a law-enforcement agency provide a totally and permanently disabled employee with information about benefits available under the Line of Duty Act and requires that the agency assist such employee with filing a Line of Duty Act claim. The bill contains an emergency clause. *Patron:* Cox

HB 2738 Minimum Wage Act; repeals exclusion for persons who are 65 thereunder.

Amends § 40.1-28.9 to repeal the existing exclusion for persons who have reached age 65 from the definition of an employee under the

Virginia Minimum Wage Act. This bill is identical to SB 758. *Patron:* Englin

HB 2764 Local employees; right to receive certain benefit information in writing.

Adds § 15.2-1511.1 relating to localities' duty to provide certain benefit information to employees. Within 10 days of being notified by employee or family member that the employee has a life-threatening health condition, local government employer must provide employee information about relevant benefit options and programs in writing along with appropriate forms to the employee so that the employee can communicate any election of benefit options to the employer in writing on the forms. *Patron:* Hurt

HB 2766 Retirement benefits; exemption of certain from creditor process.

Amends § 34-34 to conform the state exemption of retirement benefits to that allowed under new federal bankruptcy law. *Patron:* Hurt

HB 2809 National Guard; employment protection.

Amends §§ 44-93.2 through 44-93.5 to extend the existing employment protections for state-ordered service to federally-ordered service. Upon return from duty, a guardsman would have 14 days to make written application to his previous employer for reemployment. The Code currently requires such application to be made within five days. In addition, the bill would add attorney fees and costs to the damages recoverable for violation of these employment provisions. The bill is identical to SB 1309. *Patron:* Tyler

HB 2834 Home ownership grants; amount localities may provide for certain local government employees.

Amends § 15.2-958.2 to raise from \$5,000 to \$25,000 the amount that localities may provide for home ownership grants for certain local government employees. *Patron:* Waddell

HB 2840 Personnel Act; hiring preference for veterans for employment with State.

Amends § 2.2-2903 to provide a veteran who applies for employment with the Commonwealth a preference during the selection process, if the

veteran (i) has received an honorable discharge and served more than 180 consecutive days of full-time active duty in the armed forces of the United States or reserve components thereof, including the National Guard, or (ii) has a service-connected disability rating. The bill directs the Department of Human Resource Management to develop and distribute guidelines on this issue. Although the veterans' preference amended in this bill does not expressly apply to local government, § 15.2-1509 directs localities to "take into consideration" applicants' military service and related disabilities when making employment decisions. *Patron:* Hall

HB 2859 Compensation Board to prepare list of localities eligible for full-time Commonwealth Attorneys.

Amends §§ 15.2-1629 and 15.2-1631 to provide that the Compensation Board shall prepare a list of localities eligible to have a full-time Commonwealth's attorney, and shall prioritize the list using the workload measures used by the Compensation Board in staffing standards used for assistant commonwealth attorney positions. *Patron:* Moran

HB 3132 Victims of crime; employers to allow leave to attend criminal proceedings.

Amends § 19.2-11.01 and adds § 40.1-28.7:2 to require employers to allow an employee who is a victim of a crime to leave work, without compensation, to exercise his right to be present at criminal proceedings relating to the crime. An employer may limit the leave if it creates an undue hardship. Employers are prohibited from dismissing or otherwise discriminating against an employee who is a victim of a crime because he exercises the right to leave work. *Patron:* Moran

SB 758 Minimum Wage Act; repeals exclusion for persons who are 65 thereunder.

See summary for HB 2738, which is identical. *Patron:* Stosch

SB 959 Retired employees; removes exception for certain localities regarding provision of insurance.

Amends § 15.2-1517 to remove an exception for localities under 30,000 regarding group accident

and health insurance being available to retired officers and employees. *Patron:* Quayle

SB 1033 Personnel Act; preference for veterans for employment with the Commonwealth.

See summary for HB 2840, which is identical. *Patron:* O'Brien

SB 1166 Retirement System; benefits for certain state and local public safety officers.

Amends §§ 51.1-138 and 51.1-206 to make several changes to the benefits of state and local public safety officers and the funding of such benefits. All deputy sheriffs in jurisdictions participating in VRS would become members of the Law Enforcement Officers' Retirement System (LEOs) beginning July 1, 2008. Sheriffs and state police officers would receive a 1.85% average final compensation retirement multiplier, and would continue to receive the additional annual supplement. Cities and counties would have the option to raise the multiplier for public safety officers to 1.85 percent. *Patron:* Stolle

SB 1292 Home ownership; deletes requirement that separate ordinance be passed for each grant.

Amends § 15.2-958.2 to delete the requirement that a separate ordinance be passed for each home ownership grant. *Patron:* Norment

SB 1309 National Guard; employment protection.

See summary for HB 2809, which is identical. *Patron:* Lucas

SJ 372 Health insurance; experience pool for educators, etc.

Establishes a joint subcommittee to study the feasibility of a statewide health insurance experience pool for educators and local government employees, including state and local early retirees not eligible for Medicare. The joint subcommittee must submit its findings and recommendations to the 2008 Session of the General Assembly. *Patron:* Norment

Public safety

HB 1603 Multiline telephone systems; ability to identify location from 9-1-1 call.

Amends §§ in Title 56 to require that multiline telephone systems acquired or installed on or after July 1, 2009, to be maintained and operated so that calls to 9-1-1 from each telephone station on the system provides either automatic location and number identification information or an alternative method of providing call location information. Entities covered by the bill include local and state government, as well as the private sector. *Patron:* Rapp

HB 1765 Driver improvement clinics; use of fees.

Amends § 46.2-490 to provide that neither the annual license fees for additional clinic locations nor the annual license fees for clinic instructor licenses will be required of or collected from the Virginia Association of Volunteer Rescue Squads or its members in connection with clinics that are provided for emergency vehicle operation training. *Patron:* Brink

HB 1778 Photo-monitoring systems; counties and cities may establish to enforce traffic light signals.

Adds § 15.2-968.1 to grant localities the authority to operate traffic signal enforcement systems. Localities may install photo-monitoring systems at no more than one intersection for every 10,000 residents at one time. Provisions within the bill limit the use and retention of images recorded and provides other parameters and limitations for localities. *Patron:* Cosgrove

HB 1860 Fires; authorizes counties to regulate or prohibit the making of fires.

Adds § 15.2-922.1 and repeals § 15.2-1118 to authorize counties to regulate or prohibit fires in public places and, during emergency, on private property. Existing language related to cities and towns is moved to this section without change. *Patron:* Wittman

HB 1889 Alcoholic beverage control; refusal to grant and revocation or suspension of licenses.

Amends §§ 4.1-222 and 4.1-225 to update the various business ownership types of applicants for an ABC license, as well as those who already are licensees of the ABC Board, in the context of conducting background checks for granting a license or revoking or suspending a license.

Patron: Albo

HB 1900 Cruelty to animals; penalty for depriving animal of food, drink, shelter or veterinary treatment.

Amends § 3.1-796.122 to make it a Class 6 felony if any person who has been convicted of violating the animal cruelty statute is convicted within five years of the prior offense of maliciously depriving a companion animal of necessary food, drink, shelter, or emergency veterinary treatment, and either the previous or current violation has resulted in the death of an animal. *Patron:* Albo

HB 1908 Child restraint devices; raises booster seat age.

Amends §§ 46.2-1095 and 46.2-1100 to increase the age that children must be secured in a child restraint device from five to eight and requires that rear-facing child restraint devices for infants from birth to one year shall be secured only in the back seat of motor vehicles manufactured after January 1, 1968. The bill also removes the exemption from required child restraint device use for the rear cargo area of vehicles other than pickup trucks and increases the age from less than six years old to eight years old for the permitted use of standard seat belt equipment for certain children. SB 1060 is identical. *Patron:* Albo

HB 1932 Jail farms; may be used to hold or confine person who could be held in county or city jail.

Amends § 53.1-96 to clarify that a local jail farm may be used to hold or confine a person who could be held or confined in a regional or local jail. SB 1016 is identical. *Patron:* Rapp

HB 2029 Victim notification; Statewide VINE System or other similar system.

Amends §§ 19.2-11.01, 53.1-133.02, and 53.1-160 to state that victim notification currently

required to be made by the Department of Corrections and local and regional jails may be made through the Virginia Statewide VINE (Victim Information and Notification Everyday) System or other similar electronic or automated system. This bill is identical to SB 972. *Patron:* Sherwood

HB 2055 Public transportation; prohibits trespassing thereon, penalty.

Adds § 18.2-160.2 to provide that any person who enters or remains upon or within a vehicle operated by a public transportation service without the permission of, or after having been forbidden to do so by, the owner, lessee, or authorized operator thereof is guilty of a Class 4 misdemeanor. *Patron:* McQuigg

HB 2084 Law-enforcement escorts; shall be considered emergency vehicles & exempt from obeying regulations.

Amends § 46.2-920 to provide that any federal, state, or local law-enforcement vehicle used in conducting a funeral escort, wide load escort, dignitary escort, or any other escort shall be considered an emergency vehicle and is exempt from obeying certain regulations such as speed limit and traffic signals and signs. This bill is identical to SB 924. *Patron:* Eisenberg

HB 2099 Dog license application; delays date that local treasurer transmit to owner.

Amends § 3.1-796.87:1 to delay until January 1, 2008, the requirement that the treasurer of a locality transmit a license application to the owner of an unlicensed, vaccinated dog. *Patron:* Orrock

HB 2106 Concealed handgun permits; certain applicants not required to submit fingerprints.

Amends §§ 15.2-915.3 and 18.2-308 to clarify that a locality may only require a concealed handgun permit applicant to submit fingerprints when applying for a new permit, but shall not require an existing permit holder to submit fingerprints when renewing a permit. *Patron:* Carrico

HB 2108 Visual displays; permits visual displays if driver's view is enhanced.

Amends § 46.2-1077 to permit visual displays forward of the driver's seat or within view of the driver if used to enhance the driver's view forward, behind, or to the sides of a motor vehicle for the purpose of maneuvering the vehicle.

Patron: Carrico

HB 2113 Mopeds; requiring stickers.

Amends § 46.2-915 to amend the statute requiring stickers on mopeds to reflect the increase in maximum allowable speed of mopeds enacted by the 2006 Session. *Patron:* Carrico

HB 2163 Incident management; VDOT vehicles are exempt from certain provisions.

Amends §§ 46.2-891 and 46.2-920.1 to provide that vehicles owned or controlled by the Virginia Department of Transportation (VDOT) are exempt from provisions related to stopping on highways while performing emergency road clearance duties. The bill also provides that, in addition to tow truck operators, VDOT vehicles may perform certain incident management duties. This bill is identical to SB 1144. *Patron:* Valentine

HB 2296 Cats and dogs; exempts releasing agencies from obligations of licensure.

Amends § 3.1-796.85 to exempt releasing agencies from the obligations of dog and cat licensure. *Patron:* McClellan

HB 2304 Emergency management and preparedness; mutual aid agreements.

Amends §§ 2.2-306, 5.1-158, 44-146.17, and 44-146.28 to specify that personnel, equipment, or supplies of the Commonwealth or a political subdivision may be used to assist another state that has declared a state of emergency upon written request of the chief executive of the other state. The bill authorizes the Governor to provide financial assistance to Virginia state agencies and political subdivisions that provide emergency aid to another state and authorizes the Metropolitan Washington Airport Authority police department to assist the National Capital Region and abutting localities and entities in the case of emergency.

The bill is identical to SB 1202. *Patron:* Sherwood

HB 2308 Model firearms hunting ordinances; locality may adopt those developed by Board of Game, etc.

Amends § 29.1-528 to require the Board of Game and Inland Fisheries to develop, through regulations, model ordinances for hunting with firearms. The ordinances developed by the Board are to address such items as the caliber of the firearm, the type of firearm, and the type of ammunition. A county or city may adopt any of the model ordinances developed by the Board. *Patron:* Lingamfelter

HB 2349 Conservators of peace, special; strikes provision that they have authority in any city or county.

Amends § 19.2-13 to provide that in the case of a corporation or business applicant, special conservators of the peace may, in addition to geographical limitations within the judicial circuit where the appointment is made, be granted authority in any real property owned or leased by the corporation or business, including any subsidiaries, in other specifically named cities or counties. The authority of such a special conservator of the peace, outside the geographical limitations within the judicial circuit where the appointment is made, is limited to the boundaries of such real property. This bill is identical to SB 1165. *Patron:* Sherwood

HB 2356 Fire Marshal, Office of; transfers enforcement of Fire Prevention Code thereto.

Amends §§ in Title 27 and § 38.2-401; amends and adds §§ in Title 9.1; and amends and repeals §§ in Title 36 to transfer the enforcement of the Statewide Fire Prevention Code from the Department of Housing and Community Development to the Department of Fire Programs under the Fire Services Board. The bill also provides for the State Fire Marshal to be employed by the Executive Director of the Department of Fire Programs rather than by the Director of Housing and Community Development. The bill is identical to SB 1132. *Patron:* Cosgrove

HB 2357 Speed determination devices; repeals provision allowing law-enforcement to show motorist readings.

Amends § 46.2-882 to repeal the provision that allows law-enforcement officers using vehicle-based microcomputer devices to perform speed limit enforcement, upon request of any affected motorist, to show the motorist the reading on the device. *Patron:* Cosgrove

HB 2372 Senior Alert Program; created.

Adds §§ 52-34.4 through 52-34.6 to create a program for local, regional, or statewide notification of a missing senior adult similar to the Amber Alert Program for missing children. Prohibits police or sheriff's department policies that would require a waiting period before a missing senior adult report will be accepted. Departments must, within two hours of receiving a report, to enter identifying and descriptive information about the missing senior adult into the Virginia Criminal Information Network and the National Crime Information Center Systems, forward the information to the Department of State Police, notify other law-enforcement agencies in the areas, and initiate an investigation of the report. This bill is identical to SB 1117. *Patron:* Dudley

HB 2410 Amber Alert Programs; amends definition of an abducted child to include secondary school students.

Amends § 52-34.1 to amend the definition of an "abducted child" to include a person who is enrolled in a secondary school in the Commonwealth regardless of age. *Patron:* Athey

HB 2469 Uniform Statewide Building Code; abatement of violations a civil penalty.

Amends § 36-106 to allow an authorized representative of the locality and the code violator to agree in writing to terms of abatement or remediation of the violation within six months after the date of payment of the civil penalty, if the violator has agreed to waive trial, admit liability and pay a civil penalty. *Patron:* Marshall, D.W.

HB 2497 Building permits; building official may issue for any construction regulated by Building Code.

Amends § 36-105 to allow a local building official to issue an annual permit for any construction regulated by the building code. *Patron:* Orrock

HB 2524 Gangs; definition of predicate criminal act to determine membership therein.

Amends § 18.2-46.1 to add "felony involving the use of a firearm or other weapon" to the list of crimes that qualify as predicate criminal acts necessary for criminal gang member status, which results in enhanced penalties for certain other crimes. *Patron:* Iaquinto

HB 2533 Criminal warrants; authorizes sheriff or his deputy to issue.

Amends § 19.2-72 to authorize a sheriff or his deputy to execute an arrest warrant in a town surrounded by the county that he serves, and to arrest someone committing a criminal act arising out of and during the execution of a warrant in a city or town surrounded by the county he serves. The venue for the prosecution of such crime lies in the jurisdiction where it occurred. *Patron:* Landes

HB 2547 Firearms; regulation by counties for hunting.

Amends § 15.2-1209.1 to limit to hunting existing code section that allows counties to prohibit carrying firearms on public roads. *Patron:* Carrico

HB 2653 Firearms; illegal conveyance.

Amends § 18.2-308.2:2 to make it a Class 6 felony for any person, except for a law-enforcement officer in the performance of his official duties or other person under the direct supervision of the law-enforcement officer, to attempt to solicit or otherwise entice a firearms dealer to transfer or otherwise convey a firearm other than to an actual buyer. *Patron:* Lingamfelter

HB 2674 Toy vehicles; prohibits use on highways, exception.

Amends §§ 46.2 to provide a definition of "toy vehicle" and limits use of toy vehicles to (i) highways within residence districts that have no more than two travel lanes and where the speed limits are no more than 25 miles per hour and (ii) highways where play is permitted. The bill also requires that electrically powered toy vehicles have spill-proof, sealed, or gelled electrolyte batteries. This bill is identical to SB 898. *Patron:* Toscano

HB 2695 Dams, low-head; owners to use signs, etc. to warn public of hazards of swimming.

Amends § 29.1-509 to provide that owners of low-head dams who use signs and buoys to warn the public of the hazards of swimming, fishing, and boating activities near low-head dams will have met the duty of care for warning the public of hazards posed by the dam. *Patron:* Cline

HB 2726 Emergency plans; review of certain by localities.

Amends § 44-146.19 to grant authority to localities to require the review of, and suggest amendments to, the emergency plans of nursing homes, assisted living facilities, adult day care centers, and child day care centers that are located within the locality. *Patron:* McClellan

HB 2789 Uniform Statewide Building Code; violations, penalty.

Amends § 36-106 to provide that when violations of the Building Code relating to occupancy limits result in a dwelling not being safe, decent, and sanitary, in a locality where the governing body has taken action to enforce the Maintenance Code, any owner, other person, firm, or corporation convicted of such violation may be punished by increased fines and confinement in jail for not more than 10 days. Currently, any violation of the Building Code is punishable by a fine of not more than \$2,500. *Patron:* Hull

HB 2845 Emergency preparedness; orders of isolation and quarantine.

Amends § 54.1-3408 and amends and adds §§ in Title 32.1 to make several revisions to the procedures related to orders of quarantine and

isolation. The bill also authorizes persons who are otherwise not authorized by law to administer or dispense all necessary drugs when the Governor has declared a disaster or a state of emergency and allows for electronic legal filings in order to protect the public from communicable diseases. The bill is identical to SB 1108. *Patron:* O'Bannon

HB 2853 Stun weapons; eliminates references to tasers throughout Code.

Amends §§ in Titles 18.2 and 19.2 to eliminate references to "tasers" throughout the Code of Virginia, and amends the definition of a "stun weapon" to mean any device that emits a momentary or pulsed output, which is electrical, audible, optical or electromagnetic in nature, and which is designed to temporarily incapacitate a person. *Patron:* Moran

HB 2858 Local community-based probation services; makes numerous technical changes throughout the Code.

Amends §§ in Titles 2.2, 4.1, 9.1, 16.1, 18.2, 19.2, and 30 to make numerous technical changes throughout the Code to update standard nomenclature for community probation services. *Patron:* Moran

HB 2890 Secure juvenile facility or detention home; punishment for certain offenses committed within.

Amends § 18.2-477.2 to amend the statute that makes certain actions criminal if committed by a prisoner in a state, local or community correctional facility applicable to persons detained in a secure juvenile facility or detention home to provide that an offense added in 2006 (willfully tampering with, damaging, destroying, or disabling any fire protection or fire suppression system, equipment, or sprinklers within the facility) will apply to persons confined in juvenile facilities. *Patron:* Phillips

HB 3024 Speed limits; analysis of accident and law-enforcement data required before increasing.

Amends § 46.2-870 to provide that the maximum speed limit will be 60 miles per hour where indicated by lawfully placed signs, erected

subsequent to a traffic engineering study and analysis of accident and law-enforcement data, on U.S. Route 29, U.S. Route 58, U.S. Route 360, U.S. Route 460, and on U.S. Route 17 between Port Royal and Saluda where they are nonlimited access, multilane, divided highways. *Patron:* Fralin

HB 3034 DNA analysis; probation officer shall review Local Inmate Data System & report identity of offender.

Amends §§ 9.1-176.1 and §§ in Titles 16.1 and 19.2 to provide that the Department of Forensic Science shall, on a weekly basis, provide to the Local Inmate Data System (LIDS) the most current information submitted to the DNA data bank that it maintains regarding persons who are required to submit a blood, saliva, or tissue sample for DNA analysis as well as removing from LIDS and the data bank persons who are no longer eligible to be in the data bank. The bill also provides that probation and parole officers, community-based probation programs, and sheriffs and regional jailers are required to review LIDS upon intake and again prior to discharge of an offender who is required to submit a DNA sample to determine whether a sample has been taken. If it is determined that no DNA sample has been taken, then the person shall be required to submit a sample for DNA analysis. *Patron:* Bell

HB 3041 Conservators of peace; sworn municipal park rangers may be.

Amends § 19.2-12 to make sworn municipal park rangers conservators of the peace. *Patron:* BaCote

HB 3045 Safety inspection stickers and vehicle inspections; required for parked vehicles.

Amends §§ 46.2-1157 and 46.2-1163 to require vehicles parked on the highways to display vehicle safety inspection stickers. This bill is identical to SB 1363. *Patron:* Miller, J.H.

HB 3046 Private roads as highways; governing body of any county, etc. may adopt ordinances designating.

Amends § 46.2-1307 to provide that the governing body of any county, city, or town may adopt ordinances designating private roads as

highways for law-enforcement purposes within any residential development containing 100 or more dwelling units. *Patron:* Miller, J.H.

HB 3048 Emergency management plans; local and interjurisdictional agency to review.

Amends § 44-146.19 to require every local and interjurisdictional agency to review and update its emergency operations plan every four years. The updated plan must be formally approved by the locality's governing body. The bill is identical to Senate Bill 1318. *Patron:* Miller, P.J.

SB 787 Animal emergency response plan; Department of Emergency Management to address.

Amends § 44-146.18 to require the Department of Emergency Management to develop an emergency response plan to address the needs of animals in an emergency and to assist localities in developing their own emergency response plans. *Patron:* Stosch

SB 829 Photo-monitoring systems; counties and cities may establish to enforce traffic light signals.

Adds § 15.2-968.1 to grant all localities the authority to use automated cameras to catch motorists running red lights. Each locality in Planning District 8 (Northern Virginia) may install photo-monitoring systems at no more than 10 intersections, or at no more than one intersection per 10,000 residents. Each Northern Virginia locality may choose which option to follow. For the remainder of the state, a locality can have a photo monitoring system at one intersection per 10,000 residents. Provisions within the bill limit the use and retention of recorded images and provide other parameters and limitations. *Patron:* Devolites Davis

SB 898 Toy vehicles; prohibits use thereof on highways, exception.

See summary for HB 2674, which is identical. *Patron:* Deeds

SB 924 Law-enforcement escorts; shall be considered emergency vehicle & exempt from obeying regulations.

See summary for HB 2084, which is identical.

Patron: Ticer

SB 972 Victim notification; Statewide VINE System or other similar system.

See summary for HB 2029, which is identical.

Patron: Howell

SB 1016 Jail farms; may be used to hold or confine person who could be held in county or city jail.

See summary for HB 1932, which is identical.

Patron: Norment

SB 1039 Cellular telephones; prohibits use of for those under 18 years old while driving.

Amends § 46.2-334.01 to prohibit the use of wireless telecommunication devices for such drivers while operating a motor vehicle, except in an emergency or when parked or stopped. *Patron:* O'Brien

SB 1042 Towing and recovery operators; exemption from liability when rendering emergency assistance.

Amends § 46.2-1231.1 to provide that towing and recovery operators are exempt from liability in civil actions when they are responding in good faith to the lawful direction of rescue or fire agencies, in the case that life, limb, or property is endangered, to tow, recover, or store a vehicle or its contents. Current law only provides for such an exemption from liability when the towing and recovery operator is responding to the direction of a law-enforcement agency. *Patron:* O'Brien

SB 1060 Child restraint devices; raises booster seat age.

See summary for HB 1908, which is identical.

Patron: Watkins

SB 1069 Drug and alcohol treatment program; local or regional jail may establish for inmates.

An Act to allow for drug and alcohol treatment programs for inmates housed within local and regional jails. Requires each drug and alcohol program to submit a report to the General

Assembly by December 1, 2007, concerning the participants, accessibility, and the efficacy of the program. *Patron:* McDougle

SB 1108 Emergency preparedness; orders of isolation and quarantine.

See summary for HB 2845, which is identical.

Patron: Wampler

SB 1117 Senior Alert Program; created.

See summary for HB 2372, which is identical.

Patron: Rerras

SB 1121 Police; expands authority thereof in civil matters.

Amends §§ 15.2-1704 and 15.2-1727 to expand the authority of police in civil matters by granting authority to deliver, serve, execute, and enforce certain orders of isolation and quarantine and emergency custody orders. The bill also provides that parties responding to a reciprocal agreement for mutual aid between localities shall be liable to third parties only to the extent permitted under the laws of the state where the party rendering aid.

Patron: Cuccinelli

SB 1132 Fire Marshal, Office of; transfers enforcement of Fire Prevention Code thereto.

See summary for HB 2356, which is identical.

Patron: Deeds

SB 1144 Incident management; VDOT vehicles are exempt from certain provisions.

See summary for HB 2163, which is identical.

Patron: Wagner

SB 1165 Conservators of peace, special; strikes provision that they have authority in any city or county.

See summary for HB 2349, which is identical.

Patron: Stolle

SB 1202 Emergency management and preparedness; mutual aid agreements.

See summary for HB 2304. *Patron:* Wampler

SB 1207 Criminal history record information; agencies may obtain data on providers of services to adults.

Amends § 19.2-389 and adds § 63.2-1601.1 to allow public agencies when and as required to do so by federal or state law to investigate criminal history record information of (i) applicants as providers of adult foster care and home-based services or (ii) any individual with whom the agency is considering placing an adult on an emergency, temporary, or permanent basis. The bill also allows local boards of social services to obtain, in emergency circumstances, such information from a criminal justice agency.

Patron: Hanger

SB 1298 Criminal history record information; agency not required to collect when information is available.

Amends § 9.1-126 to provide that a criminal justice agency is not required to collect, maintain or update criminal history record information, as defined in § 9.1-101, when such information is already available and readily accessible from another criminal justice agency, except where the criminal justice agency already has a statutory duty to collect, maintain or update such information. *Patron:* Newman

SB 1314 Boating under influence of alcohol.

Amends § 29.1-738.2 to make the blood or breath testing protocol for boating under the influence (BUI) consistent with that used for driving under the influence (DUI). *Patron:* Reynolds

SB 1318 Emergency management plans; local and interjurisdictional agency to review.

See summary for HB 3048, which is identical. *Patron:* Puckett

SB 1363 Safety inspection stickers and vehicle inspections; required for parked vehicles.

See summary for HB 3045, which is identical. *Patron:* Colgan

HJ 652 Prisoner Reentry to Society, Joint Subcommittee continued.

Continues the Joint Subcommittee to Study the Commonwealth's Program for Prisoner Reentry to Society to monitor the work of the Virginia

Prisoner Reentry Policy Academy and its pilot programs and recommend alternatives to facilitate the successful reintegration of prisoners in their communities. In addition, the joint subcommittee shall evaluate the existing education program for prisoners; examine the relationship between poor educational opportunities, delinquency, unidentified learning disabilities, and crime; determine the number of inmates with learning disabilities; and determine the average reading level of inmates in state and local adult and juvenile correctional institutions. This resolution is identical to SJR 327. *Patron:* Welch

HJ 683 Substance abuse; JLARC to study actual cost to State.

Directs JLARC to study the cost of substance abuse to the Commonwealth to determine the financial savings available to the Commonwealth as a result of providing treatment to offenders diverted from incarceration. Study to be completed for 2009 session. SJ 395 is identical. *Patron:* Landes

HJ 743 Fire and rescue squad volunteers; incentives to recruit, etc.

Creates a joint subcommittee to examine incentives used for fire and rescue squad volunteers to recruit and retain qualified individuals. *Patron:* Rust

SJ 327 Prisoner Reentry to Society, Joint Subcommittee continued.

See summary for HJR 652, which is identical. *Patron:* Puller

SJ 395 Substance abuse; JLARC to study impact of issue on state & local fiscal expenditure.

See summary for HJ 683, which is identical. *Patron:* Hanger

Purchasing

HB 2735 National Association of Counties; locality to participate.

An Act to provide that any locality may participate in programs offered by the National Association of Counties. *Patron:* Englin

SB 756 Public-private partnership guidelines; Advisory Commission.

Amends §§ 56-575.1, 56-575.3:1, 56-575.4, and 56-575.16 and adds §§ in Titles 30 and 56 to require all responsible public entities to adopt guidelines containing certain specified provisions for the selection of projects under the Public-Private Education Facilities and Infrastructure Act containing certain specified provisions. For responsible public entities at the local level, the guidelines must include a mechanism for the appropriating body to review the proposed comprehensive agreement prior to execution under certain circumstances. The bill also creates an advisory commission to review state agency PPEA projects, but this does not affect local projects. *Patron:* Stosch

SB 1145 Veterans Services, Department of; implement program to certify business owner holds certain status.

Amends §§ 2.2-2001 and 2.2-4310 to prohibit discrimination by public bodies in the solicitation and awarding of contracts and requires public bodies to establish a program to facilitate the participation of businesses owned by special disabled veterans in procurement transactions. The bill also requires the Department of Veterans Services to establish a program to certify businesses owned by special disabled veterans upon requests of owners of such businesses. The bill defines "service disabled veteran" and "service disabled veteran business." *Patron:* Wagner

Taxation & finance

HB 1628 Coal and gas road improvement tax, local; extends sunset provision.

Amends § 58.1-3713 of the Code of Virginia, and repeals the second enactment of Chapter 646 of the Acts of Assembly of 1978, as amended by Chapter 539 of the Acts of Assembly of 1985, as amended by Chapter 393 of the Acts of Assembly of 1991, as amended by Chapters 614 and 635 of the Acts of Assembly of 1995, and as amended by Chapter 274 of the Acts of Assembly of 2002 to extend the sunset date to December 31, 2012, from December 31, 2007, for the local coal and gas road improvement tax. *Patron:* Johnson

HB 1640 Retail Sales and Use Tax; exemptions include for alternative fuel burning stoves.

Amends § 58.1-609.10 to provide an exemption from the retail sales and use tax beginning July 1, 2007, and ending July 1, 2012, for multi-fuel heating stoves used by the individual purchaser for heating his residence. Such stoves are capable of burning a variety of alternative fuels, including, but not limited to, shelled corn, wood pellets, cherry pits, and olive pits. *Patron:* Wright

HB 1650 Budget Bill.

An Act to amend and reenact Chapter 3 of the 2006 Acts of Assembly, Special Session I, as amended by Chapter 10 of the 2006 Acts of Assembly, Special Session I, which appropriated the public revenues and provided a portion of such revenues for the two years ending, respectively, on the thirtieth day of June, 2007, and the thirtieth day of June, 2008. *Patron:* Callahan

HB 1674 Retail Sales and Use Tax; extends sunset provision for free distribution of educational materials.

Amends § 58.1-609.6 to provide a sales tax exemption for purchases of certain energy-efficient products with a sales price of up to \$2,500 made during the first Friday, Saturday, and Sunday in October of each year. The bill also authorizes dealers to absorb the sales tax on other items sold during the same time period. This would mean that the purchasers would not have to pay the sales tax on other items, but the store owner would still have to pay the sales tax to the state. The provisions of this bill will expire on July 1, 2012. This bill is identical to SB 999.

Patron: Scott, E.T.

HB 1678 Retail Sales and Use Tax; exemptions include energy-efficient products.

Amends §§ 58.1-609.1, 58.1-625, and 58.1-626 to provide a sales tax exemption for purchases of certain Energy Star qualified products with a sales price of up to \$2,500 made during a four-day period each year in mid-October. The bill also authorizes dealers to absorb the sales tax on other items sold during the same time period. This would mean that the purchasers would not have to pay the sales tax on other items, but the store

owner would still have to pay the sales tax to the state. The sales tax holiday would expire in July of 2012. *Patron:* Cosgrove

HB 1695 BPOL tax; motor fuels tax exemption.

Amends § 58.1-3732 to clarify that the motor fuels tax is exempt from gross receipts for purposes of the BPOL tax. *Patron:* Purkey

HB 1744 Real estate tax; increases income limit for elderly and disabled taxpayers.

Amends § 58.1-3211 to increase the income limit for elderly and disabled taxpayers in certain Northern Virginia localities to \$75,000 from \$72,000 for real property tax exemptions. *Patron:* Marshall, R.G.

HB 1815 Alcoholic beverage control; adds a meal-assembly kitchen license.

Amends §§ in Title 4.1 to add a new license for meal-assembly kitchens, defined as any commercial establishment that offers to its customers, for off-premises consumption, ingredients for the preparation of meals and entrees in professional kitchen facilities located at the establishment. Under the terms of the license, a licensee is authorized to serve wine or beer on the premises of the licensee to any such bona fide customer attending either a private gathering or a special event. The bill provides for state and local license taxes. *Patron:* Suit

HB 1817 Vehicle titling and registration; exemptions for certain military service members.

Amends § 46.2-600 to provide that if a vehicle is registered and titled elsewhere in the United States, nothing is to be construed to require titling or registration in the Commonwealth of any vehicle located in the Commonwealth if that vehicle is registered to a non-Virginia resident active duty military service member, activated reserve or national guard member, or mobilized reserve or national guard member living in Virginia. *Patron:* Suit

HB 1880 Personal Property Tax Relief; adds to definition of 'qualifying vehicle'.

Amends § 58.1-3523 to add to the definition of "qualifying vehicle" those that are held in a private trust for non-business purposes by an individual beneficiary. *Patron:* Caputo

HB 1974 Economic revitalization zone; created.

Adds § 15.2-1129.2 to allow cities to establish economic revitalization zones to provide incentives to private entities to purchase real property and to assemble parcels suitable for economic development. In the zone, the city may grant tax incentives and provide regulatory flexibility. Properties that are acquired through the use of eminent domain shall not be eligible for the incentives. *Patron:* Fralin

HB 2013 Aircraft; establishes separate class of tangible personal property therefor.

Amends §§ 58.1-3506 and 58.1-3916 to establish a separate class of tangible personal property for aircraft that are (i) Warbirds, manufactured or intended for military use, excluding those manufactured after 1954, and (ii) used only for (a) exhibit or display to the general public or (b) air show and flight demonstrations. Aircraft used for commercial or private general transportation would not be included in this new class of property. This bill is identical to SB 1171. *Patron:* Suit

HB 2059 Recordation tax; clarifies tax rate applied.

Amends § 58.1-802 to clarify that the tax rate is applied to the greater of the consideration paid or the value of the interest conveyed. This bill is identical to SB 822. *Patrons:* McQuigg

HB 2148 Retail Sales and Use Tax; exemption includes railroad rolling stock when sold by manufacturer.

Amends §§ 58.1-602 and 58.1-609.3 to provide an exemption from the sales tax for railroad rolling stock when sold or leased by the manufacturer. *Patron:* Fralin

HB 2181 Machinery and tools tax; provides uniform statewide statutory classification for idle machinery.

Amends § 58.1-3507 to provide a uniform statewide statutory classification and taxation for idle machinery and tools on a prospective basis by allowing such machinery and tools to be taxed as capital as long as they have been idle for at least one year prior to tax day or they have been identified in writing by the taxpayer to the commissioner of the revenue as machinery and tools that the taxpayer intends to withdraw from service prior to the next tax day. The bill has an emergency clause and is identical to SB 1151. *Patron:* Saxman

HB 2230 Tourism Financing Development Authority; created.

Adds §§ 15.2-5516 through 15.2-5522 to allow localities to create a Tourism Financing Development Authority to promote establishment of tourism infrastructure. The Authorities will have the power to establish a revolving loan fund or loan guarantee program to help carry out its powers. Certain transient occupancy taxes may also be used for purposes of the authority. *Patron:* Nutter

HB 2362 Law-enforcement officials; exempted from local tax and license fees for one vehicle.

Amends § 46.2-752 to allow local governments to exempt deputy sheriffs, firefighters, emergency medical technicians, police officers, and officers of the State Police from the local tax and license fees for one owned or leased vehicle. *Patron:* Scott, E.T.

HB 2385 Personal property tax; separate classification for wireless broadband service providers.

Amends § 58.1-3506 to create a separate classification for property owned and used by certain providers of wireless broadband Internet service in providing Internet service. *Patron:* May

HB 2390 Treasurers; make list of uncollected balances on personal property taxes on certain vehicles.

Amends § 58.1-3921 to require treasurers to make out a list of uncollected balances of previously

billed tangible personal property taxes on vehicles that (i) were owned by taxpayers, now deceased, upon whose estates no qualification has been made, or (ii) were transferred to bona fide purchasers for value without knowledge, on the part of the persons so transferring, of the unpaid taxes. *Patron:* Ingram

HB 2417 Enterprise zones; decreases percentage real property investment grants may be awarded.

Amends § 59.1-548 to decrease from 30 to 20 the percentage of a real property investment for which real property investment grants may be awarded. This bill is identical to SB 1057. *Patron:* Kilgore

HB 2468 Governor's Development Opportunity Fund; adjusts eligibility for grants or loans.

Amends § 2.2-115 to adjust eligibility for grants or loans from the Governor's Development Opportunity Fund for projects that are in a city or county whose annual average unemployment rate for the most recent calendar year is one and a half times or more the state average. In such cases, the minimum amount of private investment is lowered from \$10,000,000 to \$7,500,000 and the number of new jobs that must be created is lowered from 100 to 75. For localities with a population between 50,000 and 100,000 the minimums are lowered from \$5,000,000 in private investment to \$3,500,000 and from 50 new jobs to 35. For localities with less than 50,000 in population, minimums are lowered from \$2,500,000 in private investment to \$1,500,000 and from 25 new jobs to 15. In addition, the bill provides that localities that have created Regional Industrial Facilities Authorities shall be eligible at the lowest investment and job creation threshold of any locality in that Authority. *Patron:* Marshall, D.W.

HB 2525 Spay and Neuter Fund; voluntary contributions of tax refunds are distributed therein.

Amends § 58.1-344.3 to state that Spay and Neuter Fund contributions from the voluntary income tax check-offs will go to the locality in which the filer resides. The locality must use the

contribution for the provision of low-cost spay and neuter surgeries or it may make the funds available to any private, nonprofit sterilization program for dogs and cats in the locality. All contributions to the Spay and Neuter Fund are currently distributed to the Virginia Federation of Humane Societies. *Patron:* Iaquinto

HB 2602 Voluntary contributions of tax refunds; adds public library foundations, etc to list.

Amends § 58.1-344.3 to add public library foundations and Celebrating Special Children, Inc. to the list of organizations that may receive contributions for taxpayer refunds. The organizations will be added to the bottom of the list of other organizations waiting to appear on the income tax return. *Patron:* Plum

HB 2618 Real estate tax; localities to tax certain energy-efficient buildings.

Adds § 58.1-3221.2 to permit localities to tax certain energy-efficient buildings, not including the land on which they are located, at a lower tax rate than that imposed on the general class of real property by creating a separate classification for taxation purposes. An energy-efficient building is any building that exceeds the energy efficiency standards prescribed in the Virginia Uniform Statewide Building Code by 30 percent. Energy-efficient building certification shall be determined by any qualified licensed engineer or contractor who is not related to the taxpayer and who shall certify to the taxpayer that he has qualifications to provide the certification. *Patron:* Fralin

HB 2640 Inoperable vehicles; prohibits imposition of local vehicle license taxes and fees.

Amends § 46.2-755 to prohibit imposition of local vehicle license taxes and fees on inoperable vehicles and unlicensed as reconstructed or specially constructed “hobbyist” vehicles. *Patron:* Gear

HB 2676 Budgets, local; modifies existing requirements for advertising, etc. when a locality amends.

Amends § 15.2-2507 relating to local budgets. Current law requires certain advertising and

hearing if a budget amendment exceeds one percent or \$500,000, whichever is less. Bill removes \$500,000 provision. *Patron:* Ware, O.

HB 2723 Communications sales and use tax; exemptions include military base customers.

Amends § 58.1-648 to provide an exemption from the communications sales tax for customers on any federal military bases or installations when a franchise fee is payable to the federal government. The bill is effective retroactive to January 1, 2007, and there is an emergency clause. *Patron:* Nixon

HB 2793 Display of local license, decals, etc.; exempts certain public service companies.

Amends § 46.2-752 to exempt vehicles owned by a public service company having a fleet of at least 2,500 vehicles garaged in the Commonwealth from having to display any local license, decal, or sticker. Furthermore, no person who has purchased a local vehicle license, decal, or sticker for a vehicle in one county, city, or town and then moves to and garages his vehicle in another county, city, or town can be required to purchase another local license, decal, or sticker from the county, city, or town to which he has moved and wherein his vehicle is now garaged until the expiration date of the local license, decal, or sticker issued by the county, city, or town from which he moved. *Patron:* Saxman

HB 2975 Personal Property Tax Relief Act of 1998; commissioner of revenue to rely upon DMV information.

Amends § 58.1-3523 to require the commissioner of the revenue to rely upon the information from the Department of Motor Vehicles in determining whether a vehicle qualifies for tax relief, unless he has information that the Department's registration information is incorrect or incomplete. *Patron:* Bell

HB 3093 Real property tax; change in assessment notice.

Amends § 58.1-3330 to provide that a notice of the change in the assessment of real estate is not triggered by assessment changes due to the construction of or additions to improvements on real estate. *Patrons:* Johnson

HB 3123 Housing authorities; must hold at least one public hearing to receive views of citizens.

Amends § 36-19.2 to clarify that a housing authority must hold at least one public hearing to receive the views of citizens within the area of operation of the authority before it gives final approval to either (i) its budget or (ii) any request for funding for submission to the governing body.
Patron: Alexander

HB 3127 Nonresident; when personal jurisdiction may be exercised.

Amends § 8.01-328.1 to grant personal jurisdiction over a nonresident in all cases in which a local tax, fine, penalty, interest, or similar charge is owed by the nonresident. Currently, the "long-arm" statute establishes jurisdiction over a nonresident who has incurred a tangible personal property tax liability. *Patron:* Kilgore

HB 3143 Motor vehicle license taxes and fees, local; restates limitation on amount.

Amends § 46.2-752 to restate the limitation on the amount of any such taxes and fees by replacing the phrase "amount of the license tax" with "annual or one-year fee." *Patron:* Reid

SB 734 Severance tax; extends sunset date.

See summary for HB 1628, which is identical.
Patron: Wampler

SB 743 Retail Sales and Use tax; exemptions include nonprofit entities, audit requirements.

See summary for HB 3062, which is identical.
Patron: Cuccinelli

SB 772 BPOL tax; motor fuels tax exemption.

See summary for HB 1695, which is identical.
Patron: Watkins

SB 788 Real estate tax; increases income limit for elderly and disabled taxpayers in certain cities, etc.

Amends § 58.1-3211 to increase to \$62,000 from \$52,000 the income limit in certain cities and counties for eligibility for elderly and permanently and totally disabled real estate tax relief programs. *Patron:* Stosch

SB 789 Postemployment benefits; creates trusts or equivalent arrangements to fund costs thereof.

Adds §§ 15.2-1544 through 15.2-1549 to provide that counties, cities, towns, school divisions, and certain political subdivisions may establish local trusts or equivalent arrangements to fund postemployment benefits other than pensions.
Patron: Stosch

SB 822 Recordation tax; clarifies tax rate applied.

See summary for HB 2059, which is identical.
Patron: Devolites Davis

SB 848 Assessments; notice of change.

See summary for HB 3093, which is identical.
Patron: Lambert

SB 867 Retail Sales and Use Tax; exemptions include Energy Star qualified products.

See summary for HB 1678, which is identical.
Patron: Watkins

SB 999 Retail Sales and Use Tax; extends sunset provision for free distribution of educational materials.

See summary for HB 1674, which is identical.
Patron: Houck

SB 1012 DPB; to include real estate costs for development in economic analysis.

Amends § 2.2-4007 to require the Department of Planning and Budget to include the costs of development of real estate for commercial or residential purposes in its fiscal impact analysis of proposed state agency regulations. *Patron:* Saslaw

SB 1051 Real estate tax; localities to tax certain energy-efficient buildings.

See summary for HB 2618, which is identical.
Patron: Edwards

SB 1054 Low-income housing credit; consolidation of Code sections.

Amends §§ 36-55.63 and 58.1-435 to consolidate provisions of the low-income housing tax credit currently appearing in Titles 36 (Housing) and 58.1 (Taxation) into § 58.1-435 and provide a

cross-reference to the tax credit in § 36-55.63.
Patron: Edwards

SB 1057 Enterprise zones; decreases percentage real property investment grants may be awarded.

See summary for HB 2417, which is identical.
Patron: Watkins

SB 1063 Assessment rates; notification for increase.

Amends § 58.1-3321 to increase to 30 (from 7 days) the minimum notice that a locality must give the public of a public hearing in which the locality proposes to increase its total real estate tax levies more than 101% of the prior years tax levies, and requires that such notice be posted in the building where the governing body of the locality ordinarily meets, as well as in a newspaper. *Patron:* Rerras

SB 1082 Courthouse security; increases costs in each criminal or traffic case in district or circuit courts.

Amends § 53.1-120 to increase from \$5 to \$10 the maximum amount a local governing body may assess against a defendant as part of the costs in a criminal or traffic case in district or circuit court to fund courthouse security. *Patron:* Puckett

SB 1151 Machinery and tools tax; provides uniform statewide statutory classification for idle machinery.

This bill has an emergency clause. See summary for HB 2181, which is identical. *Patron:* Wagner

SB 1167 Retail Sales and Use Tax; exemptions include hurricane preparedness equipment.

Amends §§ 58.1-625 and 58.1-626 and adds § 58.1-611.3 to provide a sales and use tax exemption, beginning in 2008, for certain hurricane preparedness equipment purchased during a seven-day period each year beginning on May 25. The sales and use tax holiday will sunset on July 1, 2012. *Patron:* Stolle

SB 1171 Aircraft; establishes separate class of tangible personal property therefor.

See summary for HB 2013, which is identical.
Patron: Stolle

SB 1172 Retail Sales and Use Tax; exemptions include certain aircraft.

Amends § 58.1-1505 to provide an exemption from the aircraft sales and use tax for aircraft that are (i) considered Warbirds, manufactured and intended for military use, excluding those manufactured after 1954, and (ii) used only for (a) exhibit or display to the general public and otherwise used for educational purposes (including such flights as are necessary for testing, maintaining, or preparing such aircraft for safe operation), or (b) airshow and flight demonstrations (including such flights necessary for testing, maintaining, or preparing such aircraft for safe operation). *Patron:* Stolle

SB 1209 Economic Development Partnership; manufacturer to receive payments, Investment Performance Grants.

Amends § 2.2-5101 to allow an eligible manufacturer or research and development service to begin receiving incentive payments under the Virginia Investment Performance Grants subfund in the third year instead of the fourth year. In addition, the bill allows such payments to be made in the second year instead of the third year for distressed areas. *Patron:* Hanger

SB 1263 Creditors of decedent's estate; debts and taxes owed to localities, etc., to be eighth in line.

Amends § 64.1-157 to provide that debts and taxes owed to political subdivisions of the Commonwealth are to be considered claims that are eighth in line to be paid from a decedent's estate. Currently, such debts and taxes are not treated as a separate class of claims. *Patron:* Herring

SB 1265 Real estate tax; relief for elderly and permanently and totally disabled.

Amends and adds §§ in Title 58.1 to authorize local governments to extend real estate tax relief to dwellings jointly held between individuals not all of whom are at least age 65 or permanently and totally disabled. The tax relief would be prorated based upon the percentage of ownership interest in the dwelling held by all joint owners who are at least age 65 or permanently and totally disabled. As a condition of the property

qualifying for real estate tax relief, the bill establishes additional net worth thresholds that cannot be exceeded. The additional net worth thresholds would not allow any exclusion for the dwelling in question. *Patron:* Herring

SJ 340 Constitutional amendment; certain armed forces exempt from property taxation (first reference).

Proposing an amendment to Section 6 of Article X of the Constitution of Virginia to authorize the General Assembly to enact legislation that will allow any locality to exempt or partially exempt from property taxes motor vehicles owned or leased by any member of the armed forces serving in an area of military conflict. *Patron:* Devolites Davis

SJ 354 Constitutional amendment; exempts certain homeowners from taxation (first reference).

Proposing an amendment to Section 6 of Article X of the Constitution of Virginia to authorize the General Assembly to enact legislation that will allow localities by ordinance to exempt from real property taxes, or defer real property taxes on, up to 20 percent of the value of residential or farm property that is the owner- occupant's primary dwelling and lived in continuously. *Patron:* Rerras

Transportation

HB 1645 Overweight permit; underground pipe cleaning, hydroexcavating, etc. to be issued.

Adds § 46.2-1149.5 to provide for special overweight permits to be issued by the Commissioner of the Department of Motor Vehicles for the operation of underground pipe cleaning, hydroexcavating, and water blasting machinery on the highway. In addition, the bill directs the Department of Transportation to recommend legislation regarding the operation of overweight vehicles. *Patron:* Cole

HB 1679 Overweight permits; exempts fire & emergency apparatus from weight limits on bridges & culverts.

Adds § 46.2-1130.1 to exempt fire and emergency medical apparatus responding to or returning from emergency calls from weight limits on bridges and culverts, provided the vehicles are not so heavy as to cause immediate structural damage. *Patron:* Cosgrove

HB 1685 Primary system highway construction; Transportation Board to allocate funds.

Amends § 33.1-23.2 to allow the Commonwealth Transportation Board to allocate primary system highway construction funds to highway construction projects maintained or to be maintained by municipalities, provided such construction projects involve components of the National Highway System and the funds are derived from allocations to the highway construction district in which the project is located. *Patron:* Toscano

HB 1746 Railroad corridors; DRPT to update inventory of those abandoned.

Amends § 33.1-391.5 to require the Virginia Department of Rail and Public Transportation to compile and maintain an up-to-date inventory of all railroad corridors in the Commonwealth abandoned after January 1, 1970. *Patron:* Marshall, R.G.

HB 2025 Private roads; certification of speed limits.

Amends §§ 46.2-1307 and 46.2-1307.1 to provide that for law-enforcement purposes certification of road signs and speed limits by private licensed professional engineers shall have the same effect as if certified by VDOT. *Patron:* Sherwood

HB 2132 HOV lanes; extends sunset provision for vehicles bearing clean special fuel vehicle license plates.

Amends § 33.1-46.2 to extend the "sunset" to 2008 authorizing the use of certain HOV lanes by vehicles bearing clean special fuel vehicle license plates. *Patron:* Hugo

HB 2228 Transportation Commissioner; develop/implement highway access management standards for highways.

Amends and adds §§ in Title 33.1 to require the Commonwealth Transportation Commissioner (CTC) to develop and implement comprehensive highway access management standards for managing access to and preserving and improving the efficient operation of the state systems of highways. *Patron:* Wardrup

HB 2314 Tolls; provides for imposition and collection for any component of Interstate system.

Adds § 33.1-23.03:10 to allow the Commonwealth Transportation Board, in accordance with all applicable federal and state statutes and requirements, to impose and collect tolls for the use of any component of the Interstate Highway System within the Commonwealth, with the proceeds to be deposited into the Transportation Trust Fund and allocated by the Board. *Patron:* Lingamfelter

HB 2387 Parking ordinances; local governments may prohibit parking of heavy trucks.

Adds § 46.2-1222.2 to allow local governing bodies by ordinance to limit to no more than two hours the parking on streets adjacent to commercial business areas of vehicles with gross weights in excess of 12,000 pounds or lengths of 30 feet or more, unless actively engaged in loading or unloading operations. *Patron:* May

HB 2462 Toll facilities; operation of photo-monitoring or automatic vehicle identification systems.

Amends §§ 46.2-819.1 and 46.2-819.3 to change the definition of "operator of a toll facility other than the Virginia Department of Transportation" from facilities authorized by the Code to any entity "that operates a toll facility." The bill also provides that the suspension of a driver's license for failure or refusal to pay these fines or costs is not applicable. This bill is identical to SB 1100. *Patron:* Rust

HB 2538 Transportation Commissioner; enter on land to ascertain its suitability for transportation purposes.

Amends § 33.1-94 to revise the procedures according to which the Commonwealth Transportation Commissioner (CTC), through his duly authorized agents, may enter upon any land in the Commonwealth for the purposes of determining its suitability for highway and other transportation purposes. *Patron:* Landes

HB 2781 Transfer of highways; may transfer interest in or control over certain highways, etc.

Adds § 33.1-223.2:17 to allow the Commonwealth Transportation Board (CTB), upon the request of a public access authority, to transfer to the authority any and all rights and interests of the Board in highways, highway rights-of-way, and landings without first abandoning or discontinuing them. *Patron:* Morgan

HB 2785 Highway funds; additional allocation to certain port cities.

Amends § 33.1-23.1 to provide that the Commonwealth Transportation Board, from funds appropriated for such purpose in the general appropriation act, is to allocate additional funds to the Cities of Newport News, Norfolk, and Portsmouth, and the County of Warren for use in addressing highway maintenance and repair needs created by or associated with port operations in those localities. *Patron:* Joannou

HB 2838 Transportation infrastructure; VDOT to submit biennial report on maintenance and operation.

Adds § 33.1-13.02 to require the Virginia Department of Transportation, no later than September 15 of each odd-numbered year, to submit to the Governor, the Joint Legislative Audit and Review Commission, and the Commonwealth Transportation Board a report on the condition and needs for maintaining and operating the existing transportation infrastructure in the Commonwealth for all asset management and maintenance, based on an asset management methodology. This bill is identical to SB 1128. *Patron:* Amundson

HB 2850 Intermodal Planning and Investment, Office of; change of name, and additional duties of Office.

Amends § 2.2-229 to amend the name of the "Intermodal Office" to the "Office of Intermodal Planning and Investment" and provides for additional duties of the Office including assisting in the development of the Statewide Transportation Plan. *Patron:* Moran

HB 2854 Transportation Board; Commissioner to report on expenditures.

Amends § 33.1-12 to require the preparation and dissemination of additional financial information by the Virginia Department of Transportation and the Virginia Department of Rail and Public Transportation. *Patron:* Moran

HB 2917 Weight limits for gravel trucks; extends sunset provision.

Amends § 46.2-1143 to extend from July 1, 2007, to July 1, 2009, the sunset on the statute granting trucks hauling gravel, sand, or crushed stone no more than 50 miles from origin to destination in counties that impose a severance tax on coal and gases the same weight limits prescribed for coal trucks. The bill also requires the Department of Transportation, in consultation with the Commonwealth Transportation Board, to recommend legislation regarding the operation of these overweight vehicles. *Patron:* Bowling

HB 3075 Wildlife Center; vehicle exemptions.

Adds § 46.2-920.2 to authorize vehicles owned or controlled by the Wildlife Center of Virginia when specifically requested by a law-enforcement agency to rescue or euthanize injured wildlife to (i) cross medians of divided highways; (ii) use cross-overs and turn-arounds otherwise reserved for use only by authorized vehicles; (iii) drive on a portion of the highway other than the roadway; (iv) stop or stand on any portion of the highway; and (v) operate in any other manner as directed by a law-enforcement officer at the scene. The bill provides that a driver of any such vehicle is not immune from liability, criminal or civil, for reckless behavior. *Patron:* Landes

HB 3202 Transportation funding.

Amends §§ in Titles 2.2, 10.1, 15.2, 33.1, 46.2, 58.1-540; adds §§ in Titles 15.2, 30, 33.1, 46.2, 58.1 to provide (i) statewide funding of transportation projects through current funds and additional funds, (ii) authority to localities in Northern Virginia and Hampton Roads to impose additional fees for transportation, and (iii) several administrative and efficiency reforms impacting transportation. The bill also authorizes new 25-year debt for highway construction. The debt will be supported by dedicating one-third of insurance premiums to existing and new debt payments. The bill makes significant changes to local land use laws and regulations. *Patron:* Howell, W.J.

SB 742 Overweight permits; exempts fire & emergency apparatus from weight limits on bridges & culverts.

Adds § 46.2-1130.1 to exempt fire and emergency medical apparatus responding to or returning from emergency calls from weight limits on bridges and culverts, provided the vehicles are not so heavy as to cause immediate structural damage. *Patron:* Miller

SB 783 Speed limits; analysis of accident and law-enforcement data required before increasing.

Amends § 46.2-870 to require that traffic engineering studies conducted prior to posting speed limits on certain highways include analysis of available and appropriate law-enforcement data. *Patron:* Bell

SB 887 Highway construction funds; allocations for primary highways.

Amends § 33.1-23.2 to allow the Commonwealth Transportation Board to allocate primary system highway construction funds to highway construction projects maintained or to be maintained by municipalities, provided such construction projects involve components of the National Highway System and the funds are derived from allocations to the highway construction district in which the project is located. *Patron:* Deeds

SB 1059 Secondary highway system; allocation of construction funds.

Amends § 33.1-23.4 to provide that in counties having elected to manage the construction program for the secondary system, payments may be made in equal amounts, one in each quarter of the fiscal year. The bill also states that the amount shall be reduced by the amount of federal-aid construction funds credited to each county and by the amount of funds forecast to be expended for any construction project or any other financial obligations. In addition, the chief administrative officer of such counties shall make annual reports of expenditures to the Department of Transportation. *Patron:* Watkins

SB 1100 Toll facilities; operation of photo-monitoring or automatic vehicle identification systems.

See summary for HB 2462, which is identical. *Patron:* Williams

SB 1110 Service districts; additional powers with regard to road construction and maintenance.

Amends § 15.2-2403 to give service districts additional powers with regard to road construction and maintenance, regardless of whether such roads are under the jurisdiction of VDOT. *Patron:* Houck

SB 1128 Transportation infrastructure; VDOT to submit biennial report on maintenance and operation.

See summary for HB 3838, which is identical. *Patron:* Norment

SB 1181 Subdivision streets; requirements for taking thereof into state secondary highway system.

Adds § 33.1-70.3 to allow local governing bodies of any counties that have not withdrawn from the state secondary highway system to request the Commonwealth Transportation Board, by resolution, to take any new subdivision street into the state secondary highway system for maintenance if such subdivision street has been developed and constructed in accordance with the Board's subdivision street requirements. Only those subdivision streets constructed in

compliance with the Board's subdivision street requirements are to be taken into the state secondary highway system for maintenance. The Board is further required to promulgate regulations establishing such subdivision street requirements. Regulations initially promulgated by the Board are to be exempt from provisions of the Administrative Process Act, but this exemption does not apply to subsequent regulations or amendments thereto. *Patron:* Williams

SB 1312 Transportation Commissioner; develop/ implement highway access management standards for highways.

Amends and adds §§ in Title 33.1 to require the Commonwealth Transportation Commissioner (CTC) to develop and implement comprehensive highway access management standards for managing access to and preserving and improving the efficient operation of the state systems of highways. *Patron:* Hawkins

SB 1360 Private roads as highways; governing body may adopt ordinances designating.

Amends § 46.2-1307 to provide that the governing body of any county, city, or town may adopt ordinances designating private roads as highways for law-enforcement purposes within any residential development containing 100 or more dwelling units. *Patron:* Colgan

HJ 603 Personal rapid transit

Requests the Secretary of Transportation to study the benefits, costs, and overall viability of personal rapid transit as a public transportation option for Virginia. *Patron:* Oder

SJ 380 Mid-Atlantic Regional Spaceport; enhanced development

Directs the Joint Commission on Technology and Science to study the enhanced development of cargo, space exploration, and space tourism at the Mid-Atlantic Regional Spaceport to (i) identify federal or state regulatory impediments, including taxation, to the development of the Spaceport; (ii) identify threats to the spaceport's viability, such as encroachment, zoning, mineral exploration and exploitation, and noncompatible uses of the spaceport; (iii) identify potential economic

development opportunities and marketing strategies to attract launch companies; and (iv) identify potential state legal barriers to human spaceflight. *Patron:* Rerras

SJ 385 Fuel-efficient vehicles and transportation funding; study.

Creates a joint subcommittee to study long-term funding solutions for transportation that do not depend on the motor vehicle fuels tax, and study ways to encourage and promote the use of alternative-fuels and fuel-efficient vehicles.

Patron: Wagner

Charters & legislation of limited application

HB 1635 Workers' compensation; police officers of Norfolk Airport Auth.

Amends § 65.2-402 to establish a presumption that hypertension or heart disease causing the death or disability of an officer of the police department established and maintained by the Norfolk Airport Authority is an occupational disease compensable under the Workers' Compensation Act. This bill is identical to SB 747. *Patron:* Alexander

HB 1714 Transient occupancy tax; increase thereof in Northampton County.

Permits Northampton County to impose an additional 3% transient occupancy tax (for a total of 5%) provided that the portion of the tax over 2% be dedicated for tourism purposes. This bill is identical to SB 904. *Patron:* Lewis

HB 1767 Blacksburg, Town of; establishing arts and cultural district.

Amends § 15.2-1129.1 to add the Town of Blacksburg to localities that may establish an arts and cultural district for the purpose of increasing awareness and support for the arts and culture in the locality. *Patron:* Shuler

HB 1989 Charter; Town of Colonial Beach.

Amends Chapter 261 of the Acts of Assembly of 1960 to update the charter to reflect the appointment, rather than election, of the treasurer. *Patron:* Wittman

HB 1919 Electric transmission lines; adds Stafford County.

Amends § 15.2-2404 to add Stafford County to jurisdictions authorized to contract with electric utility that provides for an additional charge to be included in the utility bills of customers located in a special rate district. The proceeds used to cover the utility's additional costs of constructing proposed high-voltage transmission lines underground rather than overhead. The measure does not apply to lines in operation as of March 1, 2005. Emergency clause. *Patron:* Cole

HB 2028 Charter; City of Winchester.

Amends § 14.01 of Chapter 39 of the Acts of Assembly of 1932 to create nine-member school board with four appointed from districts and five appointed at-large. *Patron:* Sherwood

HB 2050 County boards of supervisors; special election ordered when vacancy occurs.

Amends § 15.2-502 to amend a provision applicable to filling board vacancies on Prince William County board. When a vacancy occurs just prior to a general election so that the special election to fill the vacancy cannot be held at that general election, the bill provides that the court shall order a special election to fill that vacancy not fewer than 45 and not more than 60 days after that general election. *Patron:* McQuigg

HB 2165 Monacan Parkway; designating as portion of Route 29 within Town of Amherst and Campbell County.

An Act to designate the portion of U.S. Route 29 between its intersection with U.S. Route 29 (business) in the Town of Amherst and its intersection with U.S. Route 460 in Campbell County the "Monacan Parkway." *Patron:* Valentine

HB 2189 Charter; City of Newport News.

Amends §§ 4.05 and 5.05 of Chapter 576 of the Acts of Assembly of 1978 to change the timing of the council's inaugural meeting and the date for city manager to submit certain financial reports. *Patron:* Oder

HB 2195 Charter; City of Hampton.

Amends § 5.01 of Chapter 167 of the Acts of Assembly of 1979 to move authority to appoint the city attorney from the city manager to the city council. This bill is identical to SB 1182. *Patron:* Ward

HB 2203 Subaqueous lands; parties in City of Norfolk in 2006 not to pay fair market value.

Adds §§ 4 and 5 to Chapter 884 of the Acts of Assembly of the 2006 Regular Session to clarify that the three parties who were authorized to receive conveyances of parcels of subaqueous lands located in the City of Norfolk in 2006 will not have to pay fair market value for these properties. The bill exempts them from having to pay fair market value because they have paid local real estate taxes on these parcels along with the adjacent upland properties since they have owned the properties. *Patron:* Wardrup

HB 2239 Charter; Town of Troutville.

Amends § 3.1 of Chapter 73 of the Acts of Assembly of 1973 to change local elections from May to November. *Patron:* Putney

HB 2241 Charter; City of Norfolk.

Amends §§ 144(a) through 144(p) of Chapter 463 of the Acts of Assembly of 1948, to amend provisions related to the Norfolk Airport Authority related to the police powers of the Authority and the Authority's ability to enter into agreements for concurrent jurisdiction with the cities of Norfolk and Virginia Beach. Also, numerous technical changes are made. *Patron:* Howell, A.T.

HB 2267 Alexandria, City of; establishing arts and cultural districts.

Amends § 15.2-1129.1 to add City of Alexandria to localities that may establish an arts and cultural district for the purpose of increasing awareness and support for the arts and culture in the locality. This bill is identical to SB 933. *Patron:* Ebbin

HB 2396 Goose Creek; designating portion in Fauquier and Loudoun Counties as Scenic River.

Amends § 10.1-411 to designate additional portions of Goose Creek in Fauquier and

Loudoun Counties as segments of the Goose Creek State Scenic River. *Patron:* Athey

HB 2400 Charter; Town of Stephens City.

Amends § 2, 7, 13, and 20 of Chapter 229 of the Acts of Assembly of 1948, and amends Chapter 229 of the Acts of Assembly of 1948 by adding § 8.1 to provide that fines collected for violations of town ordinances shall be paid into the treasury of the town. The bill eliminates residency requirement for town officers, and prescribes the power of and the procedure for the council to contract loans, incur debt, and issue bonds. *Patron:* Athey

HB 2427 Charter; Town of Brookneal.

Amends § 19 of Chapter 420 of the Acts of Assembly of 1964 to eliminate the requirement that the town manager reside within the corporate limits of the town during his term of office. *Patron:* Byron

HB 2446 County executive form of government; housing assistance.

Adds § 15.2-542 to allow counties with the county executive form of government (Albemarle and Prince William) to provide for the use of non-state funds to provide grants, loans, and other assistance for county and school board employees, as well as employees of local constitutional officers, to purchase or rent a primary residence within the county. This bill is identical to SB 1387. *Patron:* Frederick

HB 2460 Charter; Town of Boykins.

Amends § C4.4 of Chapter 718 of the Acts of Assembly of 2003 to delete town sergeant residency requirement. *Patron:* Tyler

HB 2645 Charter; City of Suffolk.

Amends §§ 3.03, 3.04, and 3.07 of Chapter 367 of the Acts of Assembly of 1973 to provide for the direct election of the mayor and shifts local elections to November. This bill is identical to SB 961. *Patron:* Jones, S.C.

HB 2716 Charter; James City County.

Amends § 6.2 of Chapters 779 and 798 of the Acts of Assembly of 1993 and adds § 6.12 to allow the county to establish the Department of

General Services and provide for the Chief of Police to be appointed by the county administrator. *Patron:* Barlow

HB 2720 Charter; Town of Cheriton.

An Act to grant a new charter for the Town of Cheriton, which was created by the Circuit Court of Northampton County in 1951. This bill is identical to SB 1137. *Patron:* Lewis

HB 2780 House of Delegates districts; technical adjustment in boundary line within King William County.

An Act to make a technical adjustment in the boundary line between the Ninety-seventh and Ninety-eighth districts within King William County in order that all of the town of West Point will be within the Ninety-eighth district. *Patron:* Morgan

HB 2791 Onsite sewage disposal system; Augusta County.

Amends § 15.2-2157.1 to provide that Augusta County may require any person to obtain permit before installing an onsite sewage disposal system, and that a fee up to \$150 may be prescribed for processing the application. Identical to SB 1215. *Patron:* Lohr

HB 2799 Electric power and energy; purchase by Virginia Tech and municipal corporation.

Adds §§ 15.2-1133 and 23-155.05 to provide that Virginia Tech and any municipal corporation with an electric utility system on January 1, 2006, may contract to buy power and energy required, including the capacity. *Patron:* Marshall, D.W.

HB 2800 Region 2000 Airport Authority Act; created.

An Act to authorize the City of Lynchburg and the Counties of Amherst, Appomattox, Bedford, and Campbell to create an authority to be known as “Virginia’s Region 2000 Airport Authority” for the purpose of establishing, operating, and maintaining an airport and air navigation facilities and a business/industrial park and related facilities for such city and counties. *Patron:* Byron

HB 2882 Southwest Virginia Health Facilities Authority; created.

Adds §§ 15.2-5368 through 15.2-5386 to establish a health facilities authority for Southwest Virginia. The Authority may acquire, construct, equip, establish, improve, maintain, and/or operate hospitals or health centers and may condemn property and issue bonds and other obligations for such purpose. However, the bonds and other obligations of the Authority shall not be a debt of any locality or of the Commonwealth. *Patron:* Phillips

HB 2894 St. Paul, Town of; allows industrial development authority to reduce number of board of directors.

Amends § 15.2-4904 to allow the Town of St. Paul industrial development authority to return to a seven-member board of directors. *Patron:* Phillips

HB 2951 Route 17; VDOT to impose and collect tolls for use in City of Chesapeake.

An Act to require VDOT to impose and collect tolls for use of U.S. Route 17 in Chesapeake. *Patron:* Cosgrove

HB 2989 Portsmouth Port & Industrial Commission.

Amends Chapter 157 of the Acts of Assembly of 1954 by adding a section numbered 25 to authorize the Portsmouth Port and Industrial Commission to provide financing for facilities for a § 501(a) tax-exempt organization, other than a religious organization. Identical to SB 957. *Patron:* Melvin

HB 3019 Charter; City of Bristol.

Amends Chapter 542 of the Acts of Assembly of 1990 to provide that the city shall have the power, within and without the city and within or without the Commonwealth of Virginia, to provide consulting and management services for the operation of telecommunication services. Makes other technical changes. Identical to SB 1072. *Patron:* Johnson

HB 3039 Water and sewer charges; adds Town of Blacksburg to localities that may attach lien on real estate.

Amends § 15.2-2118 to add the Town of Blacksburg to localities that may impose a tax-equivalent lien for unpaid water or sewer bill. Identical to SB 1050. *Patron:* Nutter

HB 3079 Appalachian Region Interstate Compact and Commission; created.

Amends §§ 15.2-6400 and 15.2-6407 and adds § 15.2-6900 to expand the definition of region regarding creating regional authorities to include any locality within a jurisdiction participating in the Appalachian Region Interstate Compact, which is created by the bill and will become effective if at least one other state enacts the compact. The Commission is to promote economic and workforce development in cooperation with local governments. Six Virginia members are appointed. This bill is identical to SB 1340. *Patron:* Bowling

HB 3135 State forests; designates proceeds generated to Counties of Appomattox, Buckingham, & Cumberland.

Amends § 10.1-1107 to designate one-eighth of the proceeds generated by the state forests in the Counties of Appomattox, Buckingham, and Cumberland to be disbursed to those counties, and one-eighth to be expended by the Department of Forestry, in consultation with these counties, to enhance recreational opportunities in the state forests located in the three counties. *Patron:* Abbitt

HB 3151 First Landing State Park; Department of Conservation to lease land.

An Act to authorize the lease of land within First Landing State Park to the City of Virginia Beach. This bill is identical to SB 1418. *Patron:* Iaquinto

HB 3180 Fort Monroe; Governor to convey property to Fort Monroe Federal Development Authority.

Amends and adds §§ in Title 15.2 to authorize the Governor to convey the property comprising Fort Monroe to the Fort Monroe Federal Area Development Authority created by the City of Hampton and sets the membership, powers and

duties of the Authority. Identical to SB 1392, with emergency clause. *Patron:* Gear

HB 3181 Richmond, City of; Governor to disclaim state interests to certain escheated parcels therein.

An Act to authorize the Governor to disclaim any interest, right or title to certain parcels of property located in the City of Richmond that had been the subject of an escheat proceeding dated December 29, 1989. The verdict of jury resulting from such escheat proceeding was properly filed among the land records of the circuit court although seemingly unrecognized by the former landowners, the City of Richmond, and subsequent purchasers. The bill does not prevent a suit to quiet title or any other judicial remedy available, which a party may pursue on any individual lot or parcel covered by the bill. An instrument of disclaimer, the form of which will be developed by the Attorney General, will be filed among the land records of the City of Richmond. *Patron:* McClellan

SB 747 Workers' compensation; occupational disease presumption for police officers of Norfolk Airport Auth.

See summary for HB 1635, which is identical. *Patron:* Miller

SB 799 Charter; City of Newport News.

Amends § 8.12, as amended, of Chapter 576 of the Acts of Assembly of 1978 to raise the floor from \$25,000 to \$50,000 for purposes of seeking bids for construction contracts. *Patron:* Locke

SB 900 Virginia Beach Police Department Marine Patrol; enforcement of federal security and safety zones.

Amends § 28.2-106.1 to authorize the Virginia Beach Police Department Marine Patrol to enforce federal security zones, federal safety zones, and federal restricted areas within the tidal waters in the Virginia Beach Police Department's jurisdiction. *Patron:* Rerras

SB 904 Transient occupancy tax; increase thereof in Northampton County.

See summary for HB 1714, which is identical. *Patron:* Rerras

SB 907 Charter; Town of Timberville.

Amends § 4, as amended, of Chapter 167 of the Acts of Assembly of 1962 to move municipal elections for mayor and council to November.

Patron: Obenshain

SB 933 Alexandria, City of; establishing arts and cultural districts.

See summary for HB 2267, which is identical.

Patron: Ticer

SB 957 Portsmouth Port and Industrial Commission.

See summary for HB 2989, which is identical.

Patron: Quayle

SB 961 Charter; City of Suffolk.

See summary for HB 2645, which is identical.

Patron: Quayle

SB 1018 Charter; City of Hampton.

Amends § 6.06 of Chapter 167 of the Acts of Assembly of 1979 to eliminate the requirement that members of the city real estate board of review be property owners in the city. *Patron:* Locke

SB 1050 Water and sewer charges; adds Town of Blacksburg to localities that may attach lien on real estate.

See summary for HB 3039, which is identical.

Patron: Edwards

SB 1067 Volunteer assistant attorneys; adds City of Richmond to those localities with authority to appoint.

Amends the second enactment of Chapter 913 of the Acts of Assembly of 2000 to add the City of Richmond to localities with the authority to appoint volunteer assistant Commonwealth attorneys. *Patron:* McDougale

SB 1072 Charter; City of Bristol.

See summary for HB 3019, which is identical.

Patron: Wampler

SB 1099 Washington Metropolitan Area Transit Commission; change in membership.

Amends § 2.1 of Chapter 890 of the Acts of Assembly of 1988 to provide that the Virginia

member of the Washington Metropolitan Area Transit Commission will be appointed by the Governor from the Department of Motor Vehicles instead of from the State Corporation

Commission. *Patron:* Williams

SB 1137 Charter; Town of Cheriton.

See summary for HB 2720, which is identical.

Patron: Rerras

SB 1138 Norfolk, City of; authorizes City to adopt new redevelopment or conservation plan.

Amends § 36-27.2 to authorize the City of Norfolk and the Norfolk Redevelopment Housing Authority to adopt a new redevelopment or conservation plan designating a redevelopment or conservation area that may include real property for acquisition located within the boundaries set forth in the previous Conservation and Redevelopment Plan for the East Ocean View Conservation and Redevelopment Project, which is scheduled to expire on July 1, 2007. *Patron:* Rerras

SB 1141 Charter; City of Virginia Beach.

Amends Chapter 147 of the Acts of Assembly of 1962 relating to technical changes to reflect the city's recent move of elections from May to November. *Patron:* Wagner

SB 1182 Charter; City of Hampton.

See summary for HB 2195, which is identical.

Patron: Williams

SB 1215 Onsite sewage disposal system; Augusta County.

See summary for HB 2791, which is identical.

Patron: Hanger

SB 1246 Charter; Town of Leesburg.

Amends Chapter 433 of the Acts of Assembly of 1962 to allow Leesburg to develop an affordable housing program with Loudoun County; grants the town authority to adopt certain technical codes; and, allows the town to create architectural control districts and develop design standards for such districts. *Patron:* Herring

SB 1306 Electric power and energy; purchase by Virginia Tech and municipal corporation.

See summary for HB 2799, which is identical.

Patron: Newman

SB 1316 Charter; City of Manassas Park.

Amends §§ 3.5, 3.9, and 4.2 of Chapter 912 of the Acts of Assembly of 1993 to change council elections from May to November. *Patron:* Colgan

SB 1340 Appalachian Region Interstate Compact and Commission; created.

See summary for HB 3079, which is identical.

Patron: Puckett

SB 1387 County executive form of government; housing assistance.

See summary for HB 2446, which is identical.

Patron: Puller

SB 1392 Fort Monroe; Governor to convey property to Fort Monroe Federal Development Authority.

See summary for HB 3180, which is identical.

The bill contains an emergency clause. *Patron:* Williams

SB 1418 First Landing State Park; Department of Conservation and Recreation to lease.

See summary for HB 3151, which is identical.

Patron: Wagner

HJ 709 State park; DCR to study feasibility in Henry County.

Requests the Department of Conservation and Recreation to study the feasibility of establishing a state park along the South Mayo and North Mayo Rivers in Henry County and designating those rivers as scenic under the Scenic Rivers Act. *Patron:* Hurt